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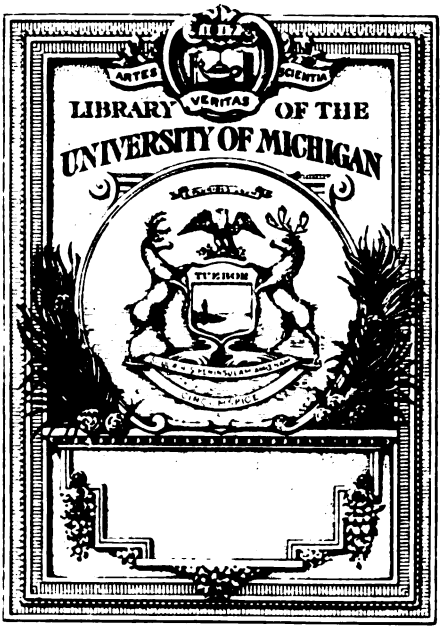
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Publications

OF THE

Historical Society of Pennsylvania.

13

LIFE AND WRITINGS

OF

JOHN DICKINSON.

VOL. I.

(13)

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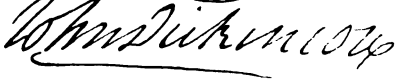

MEMOIRS

OF THE

HISTORICAL SOCIETY

OF

PENNSYLVANIA.

VOL. XIII.

PHILADELPHIA:
PUBLICATION FUND OF
THE HISTORICAL SOCIETY OF PENNSYLVANIA,
No. 1300 LOCUST STREET.
1891.

"The Trustees of the Publication Fund of the Historical Society of Pennsylvania" have published ten volumes of Memoirs of the Society, viz.:

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} Trustees.

THE LIFE AND TIMES

OF

JOHN DICKINSON.

5-2.70

1732—1808.

"Whatever harmonies of Law
The growing world assume,
Thy work is thine,—the single note
From that deep chord which Hampden smote
Will vibrate to the doom."

TENNYSON: *England and America in 1782.*

PREPARED AT THE REQUEST OF THE HISTORICAL SOCIETY OF PENNSYLVANIA,

BY

CHARLES J. STILLÉ, LL.D.

PHILADELPHIA:
THE HISTORICAL SOCIETY OF PENNSYLVANIA.
1891.

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PREFACE.

THE Historical Society of Pennsylvania proposes to print a fuller and more complete edition of the political writings of JOHN DICKINSON than that which was published under his own supervision in Wilmington in 1801. That edition of his works was in many respects an incomplete one. Many of the important State papers of which he was the author, and all of his letters, which in many respects were his most characteristic productions, are not to be found in it. It is proposed in the forthcoming edition to supply as far as possible this deficiency. I have been requested by the Society to prepare a memoir of Mr. Dickinson as an introduction to this new edition of his works.

The story of Mr. Dickinson's life forms an important part of the history of Pennsylvania. From the year 1760 until his term of office as President of the Supreme Executive Council expired, in 1783, Mr. Dickinson was probably the most conspicuous person in the service of the State. So, also, from the meeting of the Stamp-Act Congress, in 1765, until his death, in 1808, Mr. Dickinson was a prominent figure in our national history. He was the first to advocate resistance to the ministerial plan of taxation on constitutional grounds. For more than a year after the

enforcement of the Boston Port Bill, according to Mr. Bancroft, and for a much longer period, in the opinion of his contemporaries, "he controlled the counsels of the country." He had the courage to maintain that the Declaration of Independence was inopportune, and in the Convention which framed the Constitution of the United States he took a leading part.

The record of Mr. Dickinson's services is not to be found in an elaborate biography prepared by a friendly hand. Unlike his great colleagues, Franklin, Jefferson, the Adamses, Jay, Madison, and other worthies of the Revolution, in whose correspondence Mr. Dickinson always appears as a man of commanding influence when he advocated any system of national policy, the memory of the illustrious author of the "Farmer's Letters" has been kept alive only by brief sketches of his life and by the memorable State papers which he prepared during the Revolution at the request of the Continental Congress.

It is a matter of regret, not to say of reproach, that no one has hitherto undertaken fully to portray the public career of this remarkable man, and to explain his conduct and motives by reference to the peculiar position of the country, and especially of this State, during the crisis of the Revolution.

In undertaking the work which has been assigned to me, I have been led to discuss many historical questions which may appear at first to have little connection with Mr. Dickinson's life and services. But, according to the plan I have adopted, it was essential to a proper understanding of both that some fair account of his *environment* should be given.

For a long time the papers of Mr. Dickinson were preserved with jealous care by his family. But during the years which have elapsed since his death many have disappeared, and others are scattered beyond hope of recovery. Still, documents of priceless value to the historian remain among them, and I am greatly indebted to the kindness of MISS F. A. LOGAN, one of the descendants of Mr. Dickinson, for an opportunity to examine the large collection of original papers in her possession. Indeed, I am bound to say that if any new light is thrown upon Dickinson's career in my book, its source was found in my researches among these papers.

I desire to draw special attention to the masterly argument of DR. GEORGE H. MOORE, late librarian of the New York Historical Society, defending Mr. Dickinson's claim to the authorship of that wonderful State paper, "The Declaration of the Causes of taking up Arms," adopted by Congress in July, 1775, against that made on behalf of Mr. Jefferson by Randolph, Tucker, Randall, Parton, and Bancroft. By Dr. Moore's kind permission that portion of his paper which refers especially to this controversy has been reprinted in the Appendix.

I am under great obligations to THOMAS MCKEAN, ESQ., the great-grandson of GOVERNOR MCKEAN, and to WILLIAM M. TILGHMAN, ESQ., the grandson of EDWARD TILGHMAN, for placing at my disposal a valuable portion of the correspondence of their ancestors during the Revolution. My thanks are also due to MR. PAUL LEICESTER FORD, to whom has been assigned the editorial supervision and collation of the political and

miscellaneous writings of Mr. Dickinson which the Historical Society proposes shortly to publish.

I must also express my thanks to my friend Mr. F. D. Stone, the librarian of the Historical Society, for his constant aid during the progress of my work. His minute and accurate knowledge of the events of Revolutionary history has been of the greatest service to me.

January, 1891.

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THE LIFE AND TIMES

OF

JOHN DICKINSON.

CHAPTER I.

MR. DICKINSON'S EARLY YEARS.

THE family name of Dickinson has been for many generations well known in various parts of the country. Those who bear it in the Middle and Southern States appear to recognize as their common ancestor CHARLES DICKINSON, who died in London in 1653. He left three sons, all of whom were Quakers, who came to Virginia in 1654 to escape imprisonment at home as nonconformists. From these three sons are descended the Dickinson families who are found throughout the Southern States and in certain parts of Pennsylvania.

About the year 1630 a certain Nathaniel Dickinson arrived in Salem in Massachusetts, and a few years later Philemon, both of whom are said to have suffered for their faith (which was of a violent type of Puritanism) at the hands of the High Commission. Both of them are supposed to have been related to the Virginia Dickinsons, although the connection has not been clearly traced. They were the founders of many families in Western Massachusetts, who, like their Virginia cousins,

were the ancestors of men who served well and faithfully the church and state in their day and generation. From them came also, among others of distinction, such men as Jonathan Dickinson, the first president of the college at Princeton, and Jonathan Dickinson Sergeant, a lawyer of great eminence, attorney-general of Pennsylvania in 1778. This branch of the Dickinson family were Presbyterians, as the Virginia branch were Quakers.

There is a legendary account of the renown achieved by the English ancestors of this family as soldiers, but we need not concern ourselves with it here. What is, however, well settled is this, that for many generations before the Dickinsons came to this country they belonged to that middle class of English society who, whether as landholders possessed of moderate estates, or as men engaged in London in trade, grew to increasing importance in their influence upon public affairs after the Reformation. Men of this class, it need not be said, have had more to do with shaping the destinies of England in modern times than any other. When their principles in religion or in politics became too advanced to permit of their being reduced with safety to practice in their own country, they turned to the West and emigrated to America. Once here, they fully developed their opinions, and the habits and traditions of those who formed them added much to the force and strength of the country during our Colonial and Revolutionary era. There was one peculiarity by which almost all the early English emigrants were distinguished,—they were all non-conformists. They differed, it is true, like the different branches of the

Dickinson family, in their forms of dissent. One was a Quaker, another a Puritan or an Independent, and a third a Presbyterian. Still, they all present types of that discontent with the arbitrary government of the Stuarts, then widely prevailing, which was felt so keenly by many enlightened and conscientious Protestants in England during the seventeenth century. They were all evidently (from special causes of various kinds) *frondeurs*,—that is, were so dissatisfied with the existing government in state as well as in church, and so hopeless of changing it, that they preferred to build up new homes in America to remaining under certain disabilities in their old ones. As most of the English emigrants of those days belonged to families in comfortable worldly circumstances, we can form some idea of the strength of the convictions which supported them in the hazardous enterprise upon which they embarked.

These convictions, it must be remembered, formed not only the basis of the character of the first settlers, but that of their descendants also, and by tracing the influence of heredity we can readily explain much in the acts of those descendants in all the Colonies which it would be otherwise difficult to understand. Perhaps in these inherited tendencies we may be able in the story of Dickinson to perceive that although the family differed widely in its opinions, one part advocating a Quaker theory of government and another that of the Puritan in church and state, yet both were only different methods of protesting against similar abuses of arbitrary power. There was a Puritan way, and a Quaker way, possibly even a Presbyterian way, of remedying evils in church and state, and of these different ways

the history of the different branches of this Dickinson family provides us with typical specimens.

But we have now to do only with the immediate family of John Dickinson. It would seem that the three brothers who came to Virginia in 1654 did not remain long in that Colony. Whether they found the penalties for non-conformity there as severe, and the consequent liability of Quakers to suffer for celebrating their worship in public as great, as in England, it is not easy to say. It is ascertained, however, that one at least of the brothers, Walter, the immediate ancestor of John Dickinson, removed in 1659 to Talbot County, on the eastern shore of Maryland. He there settled a plantation which he called Crosia-doré. The family remained Quakers for more than a century, leading the life of Maryland planters. There must have been something peculiarly attractive to its owner in this beautiful spot on the shores of the Chesapeake, for from the day of its settlement until the present hour, a period of over two centuries and a half, Crosia-doré has always been the home of the same Dickinson family, the present owner and occupant being in the direct line of descent from the original proprietor. That any family in this country of unrest and change should have retained and occupied the same homestead for more than two hundred and forty years is in itself so unusual as to seem almost marvellous. This hereditary attachment to the paternal acres and the fondness of the family for a country life have had a deep significance in its history. To this attachment we may look as the source of many characteristics which went to form the manly, independent, and self-reliant qualities by which so many of the

members of the family, and especially John Dickinson himself, were particularly distinguished. It has been found here, as everywhere else, that, before the Revolution, educated men who lived in the country, who had the care of family landed estates, and who were bred as farmers, were more conspicuous in what may be called the higher public life of the time, and wielded greater influence on public questions, than any other class of society. Residence in the country and a farmer's life have been here, as in England, not only the "classic diversion of a statesman's care," but the nursery also of unyielding devotion to one's home and a true patriotism. In the Middle and Southern States particularly, the men who prepared the country for the great Revolutionary crisis were those who had the education, the tastes, and the leisure of gentlemen-farmers. Whatever may have been their public career, however great their achievements in the service of the state, they always gladly turned from the excitement and turmoil of large bodies of contending men to the quiet of their own rural homes. The love of a country life, with the opportunities it gave for study and calm reflection, was a predominant trait in the character of many of our most conspicuous statesmen of the Colonial and Revolutionary era whose names will readily occur to all, and in no one was it more marked than in John Dickinson himself, who was proud to be called a farmer, and to whose learned leisure we owe the best exposition ever made of the relations of a metropolis to its colonies. He could find no more appropriate a title for his great work than that of "Farmer's Letters."

At Crosia-doré, on the eighth of November, 1732,

was born John Dickinson. He was the second son of Samuel Dickinson, the grandson of the first proprietor of the estate, and of Mary Cadwalader, his second wife, sister of Dr. Thomas Cadwalader, of Philadelphia. Samuel Dickinson had been bred to the law, and in the year 1740 he removed from Maryland to Delaware, where he had purchased a large estate in Kent County, near Dover. Here, shortly afterwards, he was appointed judge of the county court, and here he remained during the rest of his useful and honorable life.[1] Probably one of the motives for his removal from Maryland was his desire to procure for his children the advantages of a better kind of education than could be had in that colony. He is said to have intended at one time to send all his sons to England, in order that they might receive the training of the best public schools there, as was then the practice with many of the planters in the Southern Colonies. But, having lost two of his children by the small-pox, he decided not to part with those that remained, but to seek for them the means of the best liberal education which the Colonies at that time afforded. To do so, in the only way in which it was possible in the condition of Colonial society at that period, it was necessary that his boys should be placed under the care of a private tutor, who should possess far

[1] He died in 1760. It is curious to mark the hereditary attachment of this family to the land. Samuel Dickinson's first purchase in Kent County was made in 1715, and embraced a tract of thirteen hundred acres. This estate was added to by his descendants, until a few years ago they were the largest land-owners in Kent County, possessing more than three thousand acres.—*Scharf's "History of Delaware,"* p. 1079.

higher attainments than are now required of such a functionary. In the early Colonial days there was no general system for the training of those who sought a liberal education. There were, it is true, three educational establishments called colleges to be found on the continent,—Harvard, Yale, and William and Mary. But in all three the course of studies was very limited, and in the first two, at least, it was designed chiefly for the training of Congregational clergymen. Thus, at Harvard, the first professor of that college, the Hollis Professor of Divinity, was appointed in 1721, and down to the beginning of the nineteenth century only two additional professors were appointed, a professor of mathematics and a professor of Hebrew. The regular instruction was given by tutors.[1] It was not until Dr. Smith established at the College of Philadelphia, in 1756, the first graded course of studies of a higher kind ever pursued in an American college, that a young man here had an opportunity of laying broad and deep the foundations of a liberal culture, such as he would have enjoyed had he gone abroad for that purpose. The great want of the time in those days, deeply felt by all cultivated men, was an opportunity to give to their sons a good scholastic training.[2]

[1] See *Report of Overseers of Harvard College*, 1869.

[2] One of the most suggestive passages in the Memoir of Rev. Henry M. Muhlenberg is that in which he describes the necessity which compelled him to send his three boys, all at one time, to receive their education in Halle, in Germany. He could find no institutions here in which they could be trained as he himself had been in his native country. These three boys, it may be added, did credit to their German education. They all held in after-life the highest public stations. German learning, fidelity, and honesty were firmly grafted

There were, it is true, in the Middle Colonies a few schools where instruction of a more thorough, if not a more comprehensive, kind could be had than is common now. These schools were generally in the charge of Scotch-Irish school-masters, whose success in imparting at least a thorough grammatical knowledge of the Latin language, and whose proficiency in the system they practised of teaching the other branches, were plainly discernible in the career of many men who became prominent in the Revolution. Such was the school at New London, in Chester County, of which Dr. Allison, the famous Latinist, was head-master, where George Read, Benjamin Rush, Thomas McKean, Hugh Williamson, and John Ewing, among others, were educated. The system of these old-fashioned school-masters was undoubtedly very narrow, so far as the mere acquisition of knowledge was concerned, but it had the inestimable advantage of training the pupils to think clearly and logically and to cultivate their judgment.

When we reflect how much importance is attached at this day to special technical learning, it is hard to understand how men who had gained so little of this kind of knowledge could do so much hard and fruitful work as they did in their generation. Science, which is now looked upon as the basis of all real and valuable education, was then not taught even in its elementary branches; indeed, applied science was a term then entirely unknown. Men were then trained to think and to reason, and the mere acquisition of knowledge was hardly regarded as an object of liberal

on the native American stock. See Dr. Mann's "Life and Times of Muhlenberg," p. 399.

education.[1] The old plan had its advantages, and perhaps the pendulum now swings too far to the other side. Be that as it may, in order that we may understand and appreciate the mental characteristics of the men of that generation we must understand that they all passed through a stereotyped process of which the ancient languages and the mathematics formed the basis. It is true that the days are now past when men built their education upon the humanities. They were justified in pursuing the classical system, because it was the model system approved by the teachings of that great guide—Experience. This was the system which from the days of the Renaissance had been always recognized and universally adopted as the true method of liberal culture.

The father of John Dickinson had no choice, therefore, when he adopted this system as the proper one for the training of his son, and he had hardly more choice in those early days when he confided that training to a private tutor. His choice of a tutor, although it seemed to involve a good deal of risk, proved in the end very fortunate. The person selected was William Killen, a young Irishman, who had come to Dover when only fifteen years old and had been received into the family of Mr. Dickinson as a homeless stranger. Mr. Killen was but ten years older than his son, and under the direction of this young tutor his zeal for learning was so quickened that he soon acquired not only familiarity with the language of the classical

[1] It is observable in Mr. Jefferson's Letters, written about the beginning of this century, that he complains of the "ignorance of science" among his countrymen, especially in New England.

authors, but also a thorough knowledge of their peculiarities of style. He cultivated that style as a model of the proper mode of treating a subject, and the effect of this training is observable in all that Mr. Dickinson wrote during his long life. Any one who is at all familiar with his writings must have observed that his style is very unlike that of the pretentious, "Johnsonese," and *ore rotundo* manner of writing which was fashionable with English and American writers of the eighteenth century. It is remarkable, as we shall see, for its elegance, simplicity, directness, and clearness, qualities which were not conspicuous among men of his own generation who wrote in the English language.

This Mr. Killen must have been a man of rare merit, for while he inspired the genius of young Dickinson he was preparing himself to take an active part in the Revolutionary crisis in Delaware. After his admission to the bar, Mr. Killen soon acquired a large professional practice, and in due time he became Chief Justice and Chancellor of Delaware. It is certainly not a little remarkable in the history of teaching that, under such instruction in the classics as was given by him, Dickinson should not only have early imbibed a love of classical literature, but that his studies should have taught him that comprehensiveness of view and those forms of expression which are characteristics of the ancient classical authors. If there be any truth in the saying "*Le style, c'est l'homme*," it was true of Dickinson. It would be difficult to over-estimate the power which this style, derived from those who wrote in what is erroneously called a "dead language," enabled him

to exercise in the political controversies in which he was engaged.

In 1750, when John Dickinson was eighteen years old, his mind was considered sufficiently mature to begin the study of the law. He was entered as a student in the office of John Moland, Esq., who seems to have been the most conspicuous member of the Philadelphia bar after the death of Andrew Hamilton in 1741. This Mr. Moland had been bred in the Temple, was commissioned as the king's attorney in Pennsylvania, and was appointed a Provincial Councillor in 1759. The bar of this city had not at that time the reputation for learning and ability which it afterwards acquired. Secretary Peters in one of his letters speaks with scant respect of the lawyers of those days, "all of whom," says he, "except Francis and Moland, are persons of no knowledge, and, I had almost said, of no principle."

Mr. Moland seems to have attracted to his office many pupils who afterwards became eminent. Among Dickinson's fellow-students were George Read, afterwards Chief Justice of Delaware, Samuel Wharton, and others, all of whom attained a high position in the profession. The study of the law, like the study of most other subjects, has greatly changed in its character since the time of Dickinson. The student in those days was not seduced, as he now is, by the luminous exposition of the English common law by Blackstone, to believe that he is about to pursue an exact science. He was made to plunge at once into the intricate mazes of the common law,—"the perfection of human reason," as he found it strangely called,—and to find

his way as he best could under the guidance of the venerable Coke and the Year-Books. Such a plan had at least an advantage for those who were not discouraged by formidable obstacles at the outset, as it undoubtedly strengthened and disciplined the mind in its attempt to overcome the difficulties which attend the effort to master the peculiarities of the highly artificial system of the common law. What was the history of the progress of Mr. Dickinson's studies under such a training we cannot, unfortunately, tell; but there are reasons to believe, from what we know of his future career, that he then laid by hard work the foundation of that knowledge of the common law, and especially of that great familiarity with English history, and English constitutional law as it affected the relations of the metropolis with the Colonies, by which he was distinguished beyond all his contemporaries. We think that we can trace to these early studies Mr. Dickinson's ideal conception of political liberty,—from which in all his controversies he never wavered,—that it was a liberty guarded and controlled by law. Mr. Dickinson was a great favorite with his fellow-students. His letters to them are written in a vein of pleasantry which seems somewhat out of keeping with the precocious gravity of his character.

CHAPTER II.

HIS LEGAL TRAINING IN THE TEMPLE.

MR. DICKINSON prevailed on his father to allow him to go to London in 1753, to be entered there as a student of law in the Middle Temple. At that time it was common to send the sons of wealthy planters in the Southern Colonies who were designed to be practitioners at the Colonial bar, or to take part in public life, to one of the Inns of Court, in order that they might complete their legal education. It was supposed, of course, that they would there have not only opportunities of acquiring a knowledge of their profession which they could not find in America, but also that their association with strangers and with young men engaged in a common pursuit, and their observation of a totally different form of society from that which was to be found in their native country, would broaden their views upon all subjects, and render them better fitted for the work they had to do in life.

As these Inns of Court trained for their profession some of the most prominent lawyers of the country before the Revolution, and especially as these young men there acquired a knowledge of those principles of the English common law which governed not only their legal but their political views during the crisis in which they were destined to live and to act, a few words concerning the history of these Inns, and the

character of the instruction given there to the pupils, may not be out of place. The apology for such a digression from the narrative must be found in the profound conviction that the destiny of our country during the Revolution was much affected by the training received by many of our young men in these Inns of Court.

It was thought expedient by Edward I., the English Justinian, as he is sometimes called, in 1278, when he desired that the lawyers in his courts should be laymen, and not clerics as they had hitherto been, that there should be a certain number of persons chosen who should receive instruction exclusively in the English common law, that teachers should be provided for them, and a proper place selected for that purpose. These students were to be lodged in houses resembling the colleges of an English university, called Inns of Court, and a regular system of instruction and discipline was organized, to which all intending barristers were required to submit. No one was admitted to practise in the courts of the king unless he had conformed to these rules. The officers of these Inns were called benchers, and by them were appointed the teachers or readers of the Inn, whose business it was to instruct the law students in the principles of the English common and statute law exclusively, and the method of trying causes in the English courts. The Inns in which they resided took the name of the knights to whom they had formerly belonged. Thus, the Inner and Middle Temple formed what had once been the house of the English Knights Templar. The Temple had been, after the dissolution of the order, transferred to the Knights

Hospitallers, and at last confiscated to the crown in the reign of Henry VIII. These and other houses, part of the royal domain, were then conveyed to the societies of lawyers organized by Edward I. in perpetuity, in trust for the reception and education of the professors and students of the laws of the realm. No one was admitted to practise in the king's courts unless he was presented as a fitting person, after having undergone a term of study prescribed by two benchers of one of these societies, or had been "called," as is the English term, by one of them to the bar.

Such is a sketch of the constitution of the earliest English law-schools; and they remained substantially the same when they were resorted to by American students in the eighteenth century. Their business was to teach the principles and the practice of the English common law exclusively.

The instruction given in these Inns of Court consisted in what was technically called "bolting" (a strange name for an intellectual process), in "mootings," and in attendance upon the lectures given by the readers who were members of the Inns. "Bolting" consisted in conversational arguments upon cases put to the student by a bencher, and two barristers sitting as his judges in private. After a man became an expert "bolter" he was admitted to the "mootings," which were public disputations on legal questions held in the presence of the Fellows. In the mean time, lectures on the English statute and common law were delivered. After seven years of this sort of work had been gone through, and a successful examination had been passed, and proof had been made that a certain number of

dinners had been duly eaten in the hall of the society by the candidate, he was presented by the benchers to the judges as a fit person to be admitted to the bar.

Such were the Inns of Court. They were resorted to by American students, not only because there alone could any systematic instruction in the English law be found, but also because in them they were brought into close contact with the men who at a later day, as lawyers and as statesmen, would become conspicuous as leaders at the bar and as members of Parliament. Thus, John Dickinson had for his fellow-students, during his attendance at the Middle Temple, such men as Lord Thurlow, afterwards Lord Chancellor; Kenyon, Chief Justice of the King's Bench; John Hill, afterwards Earl of Hillsborough; and William Cowper, the poet. No doubt the men who were trained in the Temple acquired at home after their return a certain prestige which helped them forward in their professional career.

But the influence of a course of study of two or three years' duration in these London schools and residence in England had, as was natural, a much deeper and more abiding effect upon the character of these young American lawyers. It is to be remembered that they were trained there exclusively in the English statute and common law. Now, the English code is based more completely on historical precedent and customary law, and less upon the deductions of universal right and reason, than the code of any other system of public law in Europe. On the Continent the Roman law, which is the outgrowth of a philosophical conception of what ought to be the relations of men in civil society, more or less modified, of course, in each

country by the customary law, prevailed everywhere. The English, insular in everything, were always noted for their prejudices against the introduction into their own country of the Roman code. *Nolumus leges Angliæ mutari* was for many centuries the principle which governed the English Parliament and courts. Indeed, the establishment by royal authority in the thirteenth century of schools, which still exist, where the English common or customary law should be exclusively studied, is the best proof of the long continuance of this practice. This prejudice had doubtless been intensified by the events which followed the Reformation, and the consequence was that before the time of Mansfield, whose broad and sagacious views of the law as a science fused many of the principles of the Roman system into the hard English common law, students like Dickinson and his fellow-countrymen were trained exclusively in the solution of legal questions in accordance with English methods, and their conclusions were based wholly upon the maxims of the English law. To reach these conclusions the student did not go beyond English precedent or English history. It is not to be supposed that these conclusions were necessarily founded on a narrow basis; England was then the only country in Europe in which the liberty of the subject was protected by the guarantees of fundamental law. These young men, so far as they were taught anything about the liberty of the subject, were, no doubt, told that English liberty and the rights of English subjects in the Colonies, as well as at home, were built, not, as many afterwards contended, on some vague theory of natural rights, but upon a much firmer and surer

foundation, immemorial custom, which formed the English constitution. That constitution, the outgrowth of Magna Charta, the petition of right, and the act of settlement, settled clearly, as all Englishmen were then taught, the nature and scope of the rights of the subject and provided a sufficient safeguard for their protection. Hence an American lawyer bred in the English Inns of Court necessarily imbibed certain ideas with reference to the political rights and duties of the Colonists, which became ever afterwards the unchangeable creed of his professional life.

The effect of this peculiar training upon a large number of American lawyers who afterwards became prominent in their profession here was very apparent in the controversies which subsequently arose between the mother-country and the Colonies in regard to their relations to each other. These lawyers formed undeniably for twenty years before the Revolution the *élite* of the profession in the Colonies south of the Hudson River, and their opinions on the questions in controversy (which were regarded by every one in that part of the country as peculiarly legal ones), formed by their training in the Temple, directed public opinion on the subject, at least in the earlier stages of the dispute, wherever they were known. I have before me a list of one hundred and fifteen students, Americans, who were admitted to the different Inns of Court from 1760 to the close of the Revolution. This list is a curious and significant one when we arrange these students geographically: South Carolina leads in number, having forty-seven; Virginia has twenty-one; Maryland, sixteen; Pennsylvania, eleven; New York, five; and

each of the other States one or two only, that being the whole number sent from New England, neither of them bearing names conspicuous in Revolutionary history.[1] The names in this list are nearly all those of men who took a great part in the Revolutionary contest; most of them were English Constitutional Whigs, in whom that event developed almost every shade of political opinion except non-resistance, yet they all based their theories of resistance upon the English law and English traditions which they had been taught in the Temple. We find among them, for instance, the names of Charles Cotesworth Pinckney, the strongly conservative assertor of American liberty; Edward Rutledge, who opposed to the last the Declaration of Independence; and along-side of these Heyward, Trapier, and Lynch, who, if they agreed about nothing else, were at least all Whigs, American as well as English. So we find the two Lees, Richard Henry and Arthur, the latter more conspicuous as a diplomatist, perhaps, during the Revolution than useful as a legislator. From Maryland we have, among others, the most eminent lawyer of the province, Daniel Dulany, the author of a theory of legal resistance, founded upon the distinction between internal and external taxation, so subtle and refined, and yet so wide-spread in its consequences, that it was

[1] It is curious to observe how very small a number of New England physicians as well as of lawyers were educated in Europe during the eighteenth century. It appears from a "List of the Graduates in Medicine in the University of Edinburgh," printed by Neill & Co., 1867, that of sixty-three Americans who received the degree of Doctor of Medicine in that university between 1758 and 1788 only one was from New England.

adopted by the Earl of Chatham in defending American rights in the House of Lords. From Pennsylvania we find, as the worthy successors of Dickinson and others who received their legal education in these Inns of Court between the years 1750 and 1760, a class of men whom to name is to present a brilliant array not only of those who laid the foundation of the reputation of the Philadelphia bar for learning and ability, but of those also who exerted the most potent influence in building up our political system during the Revolutionary era. In this list are to be found the names of Nicholas Waln, Jasper Yeates, Joseph Reed, William Hamilton, the three Tilghmans (Richard, Edward, and William), Thomas McKean, Jared Ingersoll, Moses Franks, William Rawle, Benjamin Chew, and Peter Markoe,—all of whom are well known to have been men of the highest professional standing, not only in the province, but throughout the Colonies. These men differed in many things, but in one they agreed, and that was that the dispute with Great Britain was mainly a legal question, and that up to the period of the Declaration of Independence it might be settled as other legal questions were, if not by a judicial tribunal, then by an appeal to legal principles recognized in common by both mother-country and the Colonies as the outgrowth of English history and traditions. There was another principle held in common by all these men: from the beginning to the end they all maintained their resistance to the ministerial measures on the ground that these acts were violations of English, not of natural, law. The first code they had thoroughly studied in the Temple and seen its

practical working in England and in their own country; the other was a vague, indistinct, and illimitable theory, which might justify any measures calculated to rouse the passions or inflame the ambition of those who supported it as a rule of action. In short, the resistance of the Central Colonies, led by these Templars, was at the beginning a constitutional resistance within the lines of the English law; that of their opponents was a revolutionary resistance at all times, wholly discarding the injunctions of positive law when not in accord with their aims, and resting for their justification, very much as the French did in the Revolution of 1793, on alleged violations of what they were pleased to call the Rights of Man.

The full influence of the Temple education on the lawyers of the Central Colonies is perhaps most clearly seen when it is contrasted with the training of men of the same profession in New England. We must remember that almost no students from this part of the country were entered at the Inns of Court prior to the Revolution, although all the Colonies were governed mainly by the same English common law. The cause of their absence is obvious; and to the different training of the New England lawyers, and to their relatively different position in the society of which they formed a part, are to be ascribed the peculiar views which were there maintained of the controversy prior to the Declaration of Independence.

The clergy (that is to say, the Congregational ministers), and not the lawyers, were the leaders of public opinion in New England. The system which prevailed there under "the established order," or the old charter

in Massachusetts, was essentially a theocracy, and so it remained, although somewhat modified, up to the time of the Revolution. In the midst of that struggle, in 1780, the clergy was strong enough to secure in Massachusetts by the Bill of Rights of the new constitution, as they supposed, forever, the establishment of a church of a special type, each town, parish, precinct, and other body politic, or religious society, having conferred upon it by this instrument the exclusive right of electing its public teachers and contracting with them for their support and maintenance. "It remains true," says Brooks Adams, in his "Emancipation of Massachusetts," "that secular liberalism could never have produced that peculiarly acrimonious hostility to Great Britain wherein Massachusetts stands pre-eminent. . . . Too little study is given to her ecclesiastical history; the impulses which moulded the destiny of Massachusetts cannot be understood unless the events which stimulated the passions of her clergy are kept in view. Hatred to the Episcopal (Church) and especially to the Prelatical form of its government had much to do with rousing the passions of those who feared that the English government was in earnest in its design of appointing bishops for New England." It must be remembered, in considering the course taken by Massachusetts prior to the Revolution, that the clergy of that Colony everywhere, but especially in the small towns, were those who directed the course of the movement. They had, of course, many lay helpers, of whom Samuel Adams, who was the first to dream of independence, and who never ceased, in season and out of season, to work for it, was the chief.

How, then, did the New England Congregational clergy stand towards the English common and parliamentary law, the violation of which it was claimed by the leaders in the other Colonies was our great grievance? The natural course of opposition to the acts of the ministry would have been to convince those who had the control of the government either that they were exceeding their authority or that their acts were wholly unjustified by the English theory of Colonial law or by the precedents and practice under it. But they disdained to rest their case upon the allegation that the acts complained of were mere violations of positive written law, or even of provisions of their own charters. There seemed to be always a lurking feeling that although their charters were violated, yet, after all, their rights rested upon something above and beyond English law; in other words, that they possessed certain natural rights, founded, as they asserted, on the principles of what was called natural equity. This was the favorite thesis of the Congregational clergy, and it carried the people, whose leaders they were, very far beyond the ideas of resistance which prevailed elsewhere. In a word, they were jealous from the beginning of any control of their wishes by either royal or parliamentary authority.

Among men with such a conception of government there was of course nothing in the course of legal education pursued in the Inns of Court with special reference to the common and the statute law of England which would recommend itself to the study of those who proposed to become lawyers and magistrates in the commonwealth. They maintained, it is true, with a genuine

English instinct, a certain code of common law, but it was very unlike the system taught in the Temple and Lincoln's Inn and the code of practice of the English courts. Here is their version, for instance, of some of the most important provisions of Magna Charta: "No man's life shall be taken away, no man's honour or good name shall be stayned, no man's person shall be arrested, restrayned, banished, dismembered, or any ways punished, unless it be by virtue or equitie of some expresse law of the country warranting the same; or, *in case of the defect of the law in any particular case, by the word of God;* and in capital cases, or in cases concerning dismemberment or banishment, according to that, and to be judged by the General Court." This code was administered at first by a judiciary composed of magistrates who were not required to be trained in any knowledge of the civil law, and down to the Revolution the commonwealth suffered from the pernicious tradition "that the civil magistrate needed no special learning to perform his duty, and was to take his law from those who expounded the word of God." A learned and independent bar has always been regarded both in England and in those States which have adopted the English system as one of the great safeguards of the liberties of the people; but in Massachusetts, under the theocracy, the policy of the clergy had been to suppress as much as possible the study of the law, although under the new charter their power was much lessened. Yet the tradition was still strong enough to discourage the acquisition of legal knowledge. There was, therefore, no inducement to send their young men to England, where they might gain a competent knowledge of it.

From the judgment of the courts in Massachusetts and Connecticut there was an appeal to the legislature in criminal cases, which, in violation of all theories of the distribution of powers, modified or confirmed or made null the course of justice by requiring it to conform to what the members of the legislature were pleased to call "natural equity." The result of all this was a total ignorance of, even a contempt for, the law as a science, and thus the course of New England previous to the Revolution was far from showing that vindication of English liberty when it was assailed by the ministry on the ground that the act was in violation of rights guaranteed by charters and positive laws, which formed the ground of resistance in other parts of the country. The most extraordinary illustration of the manner in which the provisions of the English law were interpreted, especially as to the extent of the obligations of the Colonists to obey them, is found in the declarations of James Otis in his early life, and of John Adams, two of the leading members of the Boston bar, just before the Revolution. James Otis, in his great argument on "Writs of Assistance," in 1761, maintained that "an act of Parliament against the constitution (that is, against the fundamental principles of English law) is void; that an act against natural equity is void; that if an act of Parliament should be made in the very words of this petition it would be void." So John Adams, among many other wonderful deliverances concerning the nature of political institutions, did not hesitate to write in 1776 to Mr. Justice Cushing, "You have my hearty concurrence in telling the jury the nullity of the act of Parliament. I am determined to die of that opinion, let the *jus gladii*

say what it will." So the letters of Samuel Adams are filled with these strange interpretations of the law, or rather with an open defiance of any law which should interpose to check his ardent efforts for independence. Such doctrines may be preached from the pulpit, or form the staple of the rhetoric which is powerful at mass-meetings, but that eminent lawyers should avow them in courts of justice, where the judges are sworn to administer the law and not "natural equity," would seem to show that those who advocated them had not been trained in the English law-schools, in the Temple, or at Lincoln's Inn. It is a thousand pities that these men had not in their youth undergone some of the sobering training and discipline which were provided there for students.

CHAPTER III.

PROPRIETARY GOVERNMENT IN PENNSYLVANIA.

THIS account of the different legal training provided for those who were prominent in the New England political life, and for those who held the same position in the other Colonies prior to the Revolution, has been given because it seemed necessary to show how wide was the chasm which separated them when the crisis arrived. They acted on one of two opposite political theories, each of which was the outgrowth of their special condition, environment, and education. In these differences of training we have the key-note to their different attitudes during the early part of the war, and especially towards the Declaration of Independence. John Dickinson may be considered the type of those whose horizon was always bounded by the legal aspects of the situation. Samuel Adams, on the other hand, was naturally an enthusiastic revolutionist, for whom existing laws, if they interfered with the adoption of his views of independence, were only obstacles to be removed, like any others, without scruple, if he had the power to do so.

Mr. Dickinson returned to Philadelphia in 1757, and at once entered upon the practice of his profession. No young lawyer rises into notice as rapidly as he hopes and expects, and his waiting hours are apt to be given to pursuits which are not strictly professional, and

which are sometimes not productive of good fruits in after-years. But Dickinson was not a mere lawyer in the sense that he adopted the calling in order to make a livelihood. He was a man of statesmanlike mind, and, no doubt, ambitious of distinction in public life. He seems to have spent much of his time during the next few years in the study of English constitutional history and of what we should now call political science. The relations of the mother-country to the Colonies, and indeed the theory and operation of the Colonial system generally, were then looked upon as subjects of paramount interest and importance by public men in all the Colonies, and they naturally engrossed much of Dickinson's time and study. His earlier writings, as we shall see, bear testimony not merely to the wide extent of his reading, but to his capacity of applying the principles deduced from what he read to the actual condition of the Colonies; but work like this was soon abandoned for the business which his clients brought him. He was, no doubt, at once recognized as a young man of brilliant promise at the bar, and, although we know very little of his progress in his profession, it is plain that he was not forced to wait long for clients. We find in the first volume of Dallas's Reports that there are three cases mentioned which Mr. Dickinson argued in the Supreme Court in April term, 1760. One of these was a case of "foreign attachment," as it is technically called; the second, an ejectment case; and the third, one in which certain points of practice in the criminal law were discussed. In the first he and Mr. Galloway were opposed by the two leaders of the bar at that time, Messrs. Moland and Chew,—the first

his former preceptor, and the other Chief Justice of the Province in 1772. This alone is sufficient assurance that in five years he had acquired a recognized high position at the bar in the judgment of his professional brethren. From this time he appears, from all that we can learn, to have risen in reputation rapidly and to have increased his business. In a letter to George Read, dated October 1, 1762, referring to the professional engagements which pressed upon him at that time, he says, "I took the liberty a few days ago to make you a trouble, by asking you to try two causes between [parties named in Delaware], as I shall be prevented from attending by several cases of consequence in our Supreme Court to be tried at that time." Unfortunately, none of his forensic arguments have come down to us; but there seems little doubt that upon them was founded the reputation which brought him early into public life. William Rawle the elder, in his account of the early bar, speaking, probably, more from tradition than from actual observation, says of Dickinson at a much later date, "He possessed considerable fluency, with a sweetness of tone and agreeable modulation of voice, not well calculated, however, for a large audience. His law knowledge was respectable, although not remarkably extensive, for his attention was directed to historical and political studies. Wholly engaged in public life, he left the bar soon after the commencement of the American Revolution."

In October, 1760, he was elected a member of the Assembly of the "lower counties," as the State of Delaware was then called. It will be remembered that, up to the time of the Revolution, Delaware had the same

Governor as Pennsylvania, but a different Assembly, and there seems to have been to a much later period an interchange of the public men of each of these States, so that men like Dickinson and McKean held office in both at different times. Dickinson's reputation had evidently preceded him in Delaware, for on becoming a member of the Assembly he was elected Speaker of that body.

In 1762 he was chosen a member of the Pennsylvania Assembly from the city of Philadelphia. He writes to George Read concerning this election words which formed, we may be quite sure, the rule of his conduct during his whole political life: "I flatter myself that I come in with the approval of all good men. I confess," he says, avowing his ambition for success in political life, "that I should like to make an immense bustle in the world, if it could be done by virtuous actions; but, as there is no probability in that, I am content if I can live innocent and beloved by those I love."

When Dickinson became a member of the Pennsylvania Assembly, the questions which occupied the public attention, and which were discussed with masterly ability by Dickinson on the one side and Franklin and Galloway on the other, were fundamental, involving the fate of the Proprietary government and of the charter which had been granted to William Penn by Charles II. The interest awakened by these discussions was not of that limited and local character which ordinarily attaches to measures brought before a provincial legislature. The changes in the government proposed and argued upon were radical, and they

embraced a discussion of the whole theory of Colonial government, and especially of that peculiar phase of it called Proprietary.[1] The disputants on such a question had but little light to guide them from the experience of other nations; for the form of government was essentially, at least so far as it was possible to administer it among people governed by the principles of English law, a novel one. The change which was demanded by popular clamor was a revolutionary one, and the eagerness with which it was urged was due to the misgovernment of the Proprietaries, and especially of their deputies or governors, who were sent here with the most minute and stringent instructions as to the manner in which they should rule the Province. This dispute involved, among other things, points of such cardinal importance as these: the right of the Assembly to grant money for the public service on its own terms; its claims that it alone should distribute the public burdens by imposing taxes on such objects as it deemed best, and especially its right to tax all the Proprietary estates as the estates of private persons were taxed; its right to decline to aid England in the prosecution of her foreign wars, in

[1] Mr. Dickinson, while a student in the Temple, had been present at the argument before the Lords of Trade in February, 1756, on the petition of certain inhabitants of Pennsylvania praying that Quakers might be disqualified from sitting as members of the Assembly. His notes of the arguments of Mr. Yorke (afterwards Lord Morden) on the one side, and of Mr. Pratt (afterwards Lord Camden) and Mr. Henley on the other, have been preserved, and show how deep was the interest he felt in these questions of the Proprietary claims, and how well fitted he was to discuss them. (See "The Attitude of the Quakers in the Provincial Wars," *Pennsylvania Magazine* for October, 1886.)

which, it was said, the Province, as such, had no interest whatever; its right and power to establish a military force for the defence of the Province, composed of volunteers, instead of those serving under a militia law which made the service compulsory; its right and duty to treat the Indians within the Province as they had been treated by William Penn, and to defend them against the cruelty and rapacity of the Provincial agents who sought to defraud them of their lands. These were not new questions in 1762; they had been most earnestly discussed in 1755, when the people of Pennsylvania, or a large portion of them, tired of the endless quarrels between the Assembly and the deputy governor, and finding in these quarrels the cause of the defencelessness of the frontiers and of the exposure of the settlers in that region to the incursions of the French and their allies the Indians, sent a petition to the king praying that, for the sake of those of his subjects who were suffering, no Quaker should be hereafter allowed to sit in the Assembly. It was averred (untruly, as it afterwards appeared) that the Quakers, owing to their conscientious scruples about declaring war, were unwilling to take any measures for the defence of the Province and its inhabitants. The Quakers, and their political friends the Germans, had been attacked with the utmost virulence in 1755 by the Presbyterians and the Church people for their supposed want of sympathy with the western settlers. The quarrel was renewed, if possible more fiercely, and under nearly the same conditions, in 1762, when Dickinson entered upon public life.

These were subjects which Mr. Dickinson, from his

long familiarity with the course of English law and traditions, was peculiarly well qualified to discuss, and he soon became a recognized authority among those who sought to restrain the revolutionary torrent which threatened to overwhelm the Proprietary government. His chief opponent was Dr. Franklin, who found in this young man a foeman worthy of his steel. The representatives of the people of Pennsylvania had at least the advantage of hearing these fundamental questions, upon the decision of which so much depended, argued by the two greatest political philosophers of the day, Franklin and Dickinson. This was the first occasion on which these redoubtable antagonists met in conflict, and they never afterwards encountered each other, strange to say, in the discussion of political questions except as champions of opposite principles. Each was well fitted for the combat.

Dickinson was in one sense certainly a man of the world, and had a good deal of experience in practical affairs; but, after all, he was chiefly a student, and was most familiar with human nature as he found it described in the books and writings of philosophers. Franklin has been well called the apostle of common sense. No man observed more keenly or understood better the defects and the prejudices of the average provincial, as well as the limit of his intelligence, and he appealed to no sentiment higher than that to which his constituents could readily respond. While he must have been familiar with the many excellencies of the Proprietary charter, the merits of which had indeed been trumpeted all through the world, and in favor of the continued existence of which seventy years of unex-

ampled prosperity pleaded, yet, when he wished for his own reasons to destroy it forever, he knew well how to take the best means of accomplishing his object.[1] He knew how to paint in striking colors, although in a style almost transparent from its simplicity, the selfish policy of the Penn family, its utter meanness in refusing to consent that its enormous estate should be taxed as other estates were, its bad faith in dealing with the Indians, and its cruel neglect of those of the inhabitants who were exposed to their barbarities. The Penn family he always represented as the greatest land-holders of modern times, the actual area of their property embracing 55,252 square miles, or 35,361,300 acres. This overgrown estate was managed like a large farm, with little regard, after the death of the founder of the Province, for the welfare and interests of those who had been induced by him to settle here. The policy of the Proprietary family was that the least possible sum should be spent upon the improvement of the Province, so that the largest possible money return might be received from the investment. In short, Franklin knew well how to catch the gale of popular favor so that it would help forward any scheme which he had at heart, and in his efforts to destroy the Proprietary government, it must be confessed, he was much aided by the pretensions to arbitrary power made by the Proprietary family itself and by its governors here.

[1] It may be assumed that Dr. Franklin was the author of the "Historical Review." It is certainly the ablest political pamphlet, notwithstanding its defects and exaggerations, published with respect to the Proprietary controversy.

Dickinson, on the contrary, from the very beginning maintained the losing side of this controversy. He saw, as clearly as any one else, the mistakes made by the deputy governors by their system of thwarting the wishes of the inhabitants, and doing nothing to encourage them in the great work in which they were engaged of developing the heritage of the Penns, and refusing to a large portion of them needed protection while they were thus occupied. The question was not whether the existing system was a bad one (of that there could be no doubt whatever), but whether the direct royal government of the Province which it was proposed to substitute for it would improve the condition of the inhabitants. Dickinson was always an intense conservative, and he had a horror of any changes brought about by revolutionary means. The defects in the Proprietary government were very familiar, but the law and history of the case and the dangers of exchanging the old system for a royal government were not so familiar, and he took the unpopular side in exposing these dangers. He seems to have been absolutely independent in the course which he took in this controversy. He had no alliances or connections with the Proprietary family, or with those who by force of patronage and the tenure of office felt obliged to maintain their cause. Like the honored Speaker of the House of Assembly, Isaac Norris, his future father-in-law, much as he deplored the misgovernment of the Penns, he could not think that the true remedy was to throw themselves on the tender mercies of the royal government. For some reason he seems, during the discussion, to have had misgivings concerning the in-

tentions of the ministry should the charter be surrendered, and we shall see how sagacious was his foresight; at all events, he took the course which for the time was sure to make him unpopular with the multitude. It may be said, in passing, that Franklin and Dickinson each possessed a powerful weapon in controversy, and that was their clear, simple, and faultless English style. Compared with any other writers or speakers of that day on this continent, we find none who wrote with the same plainness, directness, and elegance, and with the same logical force, as these two great men.

It is important for the understanding of this controversy in 1764 that we should recall that previous period of the history of the Province in which disputes arising from the same cause existed, and especially the troubles which led to the presentation of a petition by the Assembly in 1755, through the influence of Dr. Franklin, to the king, praying that he would forbid thereafter the election of Quakers as members of that body. The object of both petitions was the same in this, that they prayed that a royal government should be substituted for that of the Proprietary; but, for reasons which will subsequently appear, the position of the parties was reversed in 1764, the Quakers generally favoring the petition of that year, while they had of course been opposed to that of 1755. Many persons, and especially the powerful body of Presbyterians (who acted as a political party throughout the Province), had urged, in 1755, that power should be taken out of the hands of the Quaker Assembly, principally because it had not protected their co-religionists on the frontiers; but they objected, in 1764, to a surrender of the charter, lest the rights and

privileges of their body might be curtailed under a royal government.

The ability and skill shown by Dickinson in arguing that, manifold as were the abuses from which the Province suffered under the rule of deputies appointed by the Proprietor, it would not be safe to risk a change in the hope that its condition would be improved under a royal government, made a great impression at the time both on his friends and on his opponents. His view was felt to be the statesmanlike view, even if it were not the popular one. What the actual grievances then were, and what privileges the people were asked to give up, trusting entirely to the tender mercies of the Board of Trade for a change for the better, we must now consider in a review of these transactions. Let us try to get an accurate knowledge of the condition of the Province when it was called upon in 1755 and in 1764 to propose revolutionary changes in its government, and then we can judge of the soundness of the remedy for admitted evils proposed by Mr. Dickinson.

In 1739, Andrew Hamilton, who had been for many years Speaker of the Assembly, said to that body on his retiring from office, "It is not to the fertility of our soil and the commodiousness of our rivers that we ought chiefly to attribute the great progress this Province has made within so small a compass of years in improvements, wealth, trade, and navigation, and the extraordinary increase of people who have been drawn from almost every country of Europe; it is all due to the excellency of our constitution. Our foreign trade and shipping are free from all imposts except those small duties payable to his Majesty by the statute laws of

Great Britain. The taxes are inconsiderable, for the sole power of raising and disposing of the public money is lodged in the Assembly. Other incidental taxes are assessed, collected, and applied by persons annually chosen by the people themselves. . . . By many years' experience we find that an equality among religious societies, without distinguishing one sect with greater privileges than another, is the most effectual method to discourage hypocrisy, promote the practice of the moral virtues, and prevent the plagues and mischiefs which always attend religious squabbling. This is our constitution, and this constitution was framed by the wisdom of Mr. Penn," etc.

The Province of Pennsylvania in 1740 had about one hundred thousand inhabitants. The population was divided into three distinct groups,—the Quakers, in Philadelphia, Chester, and Bucks; the Germans,—or Palatines, as they were called,—in Lancaster, Berks, and Northampton; and the Scotch-Irish Presbyterians, in York and Cumberland. The country west of the Susquehanna, with the exception of the last-named counties, was a wilderness occupied by Indians for some distance beyond the Alleghanies, where it was bounded by the line from Erie to Pittsburg which was being fortified by the French. Of the inhabitants of the Province, one-fourth or one-fifth were Quakers, about one-half Germans, and the rest emigrants from the north of Ireland. The influence of the Quakers was still predominant, although the large emigration from Europe had much lessened it in the latter years of the period we are considering. The principal business of the people was agricultural, to which they added such

commerce to Europe and the West Indies as was required to transport thither their provisions. During this period, notwithstanding the French and Indians were destroying the lives of the people of the back counties and their property, the material prosperity of the Province was uninterrupted. The imports and the shipping had increased twofold, and the exports threefold, and more than twenty-five thousand Germans alone emigrated to the Province. There was no land-tax, and had been none for nearly forty years. The expenses of government were paid by an excise and by tavern licenses. There was little gold or silver in the Province, the greater portion having been drained out of the country to pay for English imports. The Assembly was in the habit of meeting extraordinary emergencies by issuing paper money,—that is, lending the credit of the Province to those who would pay a good interest for it and give ample security for the return of the loan. To this policy was attributed by the Provincials, with Dr. Franklin at their head, the extraordinary prosperity of the country, which was thus abundantly supplied with a cheap currency. The royal government and the Proprietaries were no friends to paper money,—at least to that issued by the English Colonies,—and on this subject there was a constant controversy between the Assembly of the Province and the governors appointed by the Penns. To irreconcilable differences on this point, and not to religious scruples, is no doubt to be ascribed much of the embarrassment of the English government in Pennsylvania in raising men, money, and supplies for the prosecution of the war.

The Province was then ruled by deputy or lieutenant

governors, appointed by the Penns as Proprietaries and confirmed by the king. They were assisted by a council which had no legislative power; that was exclusively vested by the charter in the Assembly, which exercised great authority by virtue of that instrument and claimed much more,—a pretension which was strongly opposed by the Penns and their governors. This body was granted, by the amended charter of 1701, power, among other things, "to appoint committees, prepare bills, impeach criminals, and redress grievances, with all other *powers and privileges of an Assembly, according to the rights of free-born subjects of England.*" Under these large powers the Assembly prior to 1740 had secured two important concessions, which had much to do with the question of its motive in withholding or granting the supplies that were asked for by the Proprietaries and the Crown for the prosecution of the war. These were, first, that to the Assembly belonged exclusively the right not merely of disposing of the public money, but of determining the means and method by which it should be raised; and, secondly, that the decision of the lieutenant-governor approving or disapproving a bill passed by the Assembly should be final, and not subject to reversal by the Proprietary.

After 1751 this Assembly was composed of thirty-six members; and it cannot be doubted that it most truly represented the wealth and intelligence of the Province. Of this number twenty-six members represented the home counties of Philadelphia, Chester, and Bucks; the other ten were sent by the Germans and the Irish of the back counties,—settlements greater in population, but not possessed to so great a degree as the eastern

counties of those elements which, according to the theory that then prevailed, were entitled to representation.

The legislative power of the Assembly was subject to two important restrictions only,—viz.: first, that the measures adopted by it should receive the approval of the lieutenant-governor; and, secondly, that to the Privy Council in England was reserved the power to disallow and repeal any laws enacted by the Assembly within five years after their passage. Every parliamentary expedient for which there was any precedent was resorted to by the Assembly to maintain its power. Among other things, it insisted, in accordance with the practice of the English House of Commons, that its money-bills should be accepted by the lieutenant-governor without amendment.

The Assembly from the beginning was always jealous of the authority claimed by the lieutenant-governor, and during these sixteen years it learned to distrust and hate the Proprietary administration. It seems, indeed, that for a body of Englishmen bred in the traditions of English liberty no system more incapable of working smoothly and satisfactorily could well have been devised. The Proprietary was not only their governor, but he was the absolute owner of far the larger portion of the soil of the Province. Hence his public duties, so far as they concerned the wise government of his people, were constantly coming into collision with his private interests, which tempted him to govern in such a way as would not be in harmony with the welfare of the people. Thus, the governor objected to the issuing of paper money, both because he supposed that in the end it would ruin the Propri-

etary's private interests in the lands of the Province, and because the English government regarded such a currency as undesirable. The Assembly, with the people, led by Dr. Franklin, on the other hand (rightly or wrongly), regarded this paper money as the panacea for all the ills from which a trading community can suffer, and insisted upon issuing it whenever called upon to vote supplies. Again, the private interests of the Penns led them to oppose taxation of their estates (at first absolutely, and afterwards in a modified way); while the necessities of the defence, as well as impartial equity, required that all the estates in the Province should be taxed in the same way, so that each might bear its due share of the general burden. For a long time, too, the Penns refused to pay a proper share of the expenses attending Indian treaties for the sale of land, although such treaties added millions of acres to their own overgrown estate, besides, of course, making more valuable that which they already possessed.

Prior to 1755 the controversy between the governors (Hamilton and Morris) and the Assembly concerning, not the granting of supplies, but the manner of raising them, was incessant. Eight times during these years did the governor demand money for supplies for military operations against the French and Indians, and eight times did the Assembly agree to grant them for the king's use, provided they were purchased with money raised by issuing loans. Eight times did the governor, in accordance, as he said, with his instructions from the Proprietaries and the Crown, refuse to accept supplies thus offered, although he was forced, in one or

two cases, to agree under protest to the bills. In the proceedings during these years there is certainly nothing to show any unwillingness to defend the Province, although there were often evasions of the real difficulty on the part of the Assembly which make some of its acts appear disingenuous and uncandid. Still, the main point that the Assembly, on the whole, was in earnest, not only in defending the Province but in maintaining English supremacy on this continent, even if it insisted upon doing it in its own way, seems established.

It is no doubt true that the Assembly, composed in large part of Quakers, had conscientious scruples about declaring and maintaining war, but these scruples had been overcome in previous wars in which the military aid of the Province had been invoked, as many acts of Assembly testify. In this particular case the members supposed that their consciences would be quieted and the Province defended by the enactment of a law for the enrolment of volunteers rather than by a general militia law. Hence the Military Bill and the Supply Bill, which were designed to be substitutes for the Militia Bill and the bill exempting the Proprietary estates from the taxation levied on others recommended by the Governor; and hence their enemies asserted that the Quakers were unwilling to defend the Province, and therefore should be ineligible as members of the Assembly.

The Military Bill was entitled an act "for the better ordering and regulating such as are willing and desirous of being united for military purposes." By it a volunteer force was raised, thoroughly organized, and made subject to military discipline. This bill was called a usurpation of the rights of the Crown. The Supply

Bill (1755), by which the Proprietaries' estates were exempted from taxation in consideration of a promised gift from them of five thousand pounds, was intended to grant the money necessary for the pay of these troops and for their military operations. With the money and men supplied by these two bills a chain of forts and block-houses extending from the river Delaware along the Kittatinny Hills to the Maryland line was erected. They were situated at convenient distances from one another and at the most important passes of the mountains, and were garrisoned with companies, all in the pay of the Province, composed of from seventy-five to twenty-five men each, according to the situation and importance of the place. In other words, a complete system of defence was at last established. In the face of such acts and such results the Board of Trade had the hardihood to declare that "the measures taken by the Assembly for the defence of the Province were improper, inadequate, and ineffectual, and that there was no cause to hope for other measures while the majority of the Assembly consisted of persons whose avowed principles were against military services."

Such was the manner in which these efforts of the loyal Assembly of Pennsylvania to provide against invasion were regarded by the home government and the Proprietaries. The answer made a profound impression upon those who had hitherto supported the pretensions of the Penn family, and brought forth abundant fruit in 1764 and in the Revolution.

Such is an outline of the circumstances which led to the petition of 1755 asking that the Quakers might be disfranchised, and such was its reception by the

ministry. It remained to be seen whether the complaints of 1764 would be more readily listened to. Notwithstanding the contempt with which the ministry treated in 1756 the Pennsylvania method of raising soldiers and paying them, the Assembly in 1762, then purged of its non-fighting element, persisted in its claim to vote its own money, to levy taxes upon the Proprietary estates at the same rate as those of others, and to employ an armed force in such a way as it deemed best for the defence of the Province. From the passive resistance of the Assembly to the demands of the ministry, and the impossibility of coercing it into obedience, it is clear that this resistance was not due to the Quakers because of their scruples about war, but to others, because they thought the rights secured to them by their charter invaded. Peace was made with the Delaware Indians in 1756, the seven years' war with the French was ended on this continent by the conquest of Canada in 1759, and it was hoped that no further occasion for discussing again this much controverted question would arise.

But in 1763 a new Indian war broke out (that of Pontiac), in which the tribes between the Ohio and the Lakes took part, and Pennsylvania was, of course, called upon to raise men and money for the protection of its own frontiers. This was the signal for the renewal of the dispute between the Assembly and the Proprietaries in regard to the taxation of their estates. It was supposed that a compromise had been agreed upon between them and Dr. Franklin, the agent of the Province in London, by which it was settled that the Proprietary estates (located but uncultivated) should

not be assessed more highly than at the lowest rate of assessment levied on the uncultivated lands of the inhabitants. The Assembly in November, 1763, passed an appropriation bill with such a proviso in it, but the governor refused to approve it, on the ground that his interpretation of the stipulation agreed upon in London was that the assessment of the lands of the Proprietaries should not be higher than the lowest valuation of the worst lands of the inhabitants.

The war which was waged by the Delawares and Shawanees was perhaps the most bloody and desolating of any Indian war in which the Province was ever engaged. It began in the summer of 1763, and the Indians, having captured all the posts between Lake Erie and Pittsburg, swept down upon the country between the latter place and the Susquehanna, attacking in small parties the homes of the settlers, and destroying all—men, women, and children—who came within their reach. The wretched inhabitants, most of whom were Scotch-Irish emigrants or their children, complained in piteous terms to the Assembly of the want of protection. They did not blame that body for manifesting the same indifference as had been shown by the Assembly to the outrages from which they had suffered in 1755, but they thought that a certain voluntary body called "the Friendly Association," composed of Quakers, whose object it was to protect the Indians from the fraud and rapacity of the Proprietary agents in their land-purchases, had too much influence with the legislature, who had thus been induced to take too lenient a view of the outrages from which those who lived on the frontiers suffered. Many of

these in the end lost patience, and some time after, burning with the desire of vengeance, took the law into their own hands, massacred the Indians wherever they could find them, and were guilty of all those excesses known in Pennsylvania history as the "outrages of the Paxton Boys."

The Supply Bill and Military Bill of November, 1763, formed the response of the Assembly to these appeals of the suffering frontiersmen. It voted with great alacrity fifty thousand pounds, and agreed to raise one thousand men, the quota of the Province as fixed by the royal authorities. But the governor (John Penn) would not agree that the tax-rate upon the uncultivated lands of the Proprietaries should be higher than the lowest rate at which any of the uncultivated lands of the inhabitants were assessed. There was no time for delay amidst the horrors of an Indian war, if relief was to be given by force of arms; and yet the deputy governor not only hesitated but actually refused at last to approve a measure essential to the security of a large number of the best citizens of the Province, lest the income of the Proprietaries should for the time be reduced. It is impossible to find any satisfactory explanation for such conduct at such a crisis. The Assembly was more humane, and could not persevere in its resistance to the act of the governor at so fearful a price. It agreed that the bill should pass with the provisions insisted upon by the governor in regard to taxation. The result was that Colonel Bouquet was enabled to follow up the triumphant results of the battle of Bushy Run, and that the Indians were at last compelled to leave the Province

to which their fathers had welcomed William Penn. Having in vain appealed to their just and kind treatment by the great Onas, as they called him, they were driven from their lands by his successors, and were transformed from the mild Delawares and Shawanees into the fiercest and most cruel warriors of whom Colonial history makes mention.

The victory of the governor over the Assembly in forcing it to give way at this crisis cost the Proprietaries dearly. It was, indeed, the beginning of that discontent with their government which would undoubtedly in a few years have overthrown it had not the work been done by the American Revolution. Their conduct in Pennsylvania had been such that no one justified it, least of all the Quakers, who had hitherto been its main supporters. They had deeply offended the children of those who had been William Penn's friends and companions, and who continued to adhere to those maxims of government of which he had been so illustrious an exponent. The rapacity which the governor had shown in appropriating the lands of the Indians, and his unwillingness that these lands should bear a due share of the burden of taxation, had shocked the moral sense of the Quakers, and they did not hesitate to speak plainly of these iniquitous proceedings. With the Quakers agreed many of the Germans, especially those who had not been exposed to the incursions of the savages; while the rest, who lived in the country districts and saw for themselves the dangers of an Indian war, demanded, of course, a government which would protect them. But those who were most violent in denouncing the Proprietary government

because its deputy here would not consent that the Province should be defended in the way proposed by the Assembly, lest the family income of the Penns should be endangered, were the Scotch-Irish settlers to the west of the Susquehanna; although the Presbyterian clergy among them were apprehensive, as we have seen, of danger to their church should a royal government be substituted for that of the Proprietary. In vain had they appealed to the government for protection during many years, as in 1755 and in 1763; in vain had they begged and suffered and threatened. Nothing was done, because of the quarrels between the Assembly and the governor, each trying to shift the blame upon the other. At last, and for once in the history of Pennsylvania, there came a time when there was no difference of opinion among her people; all agreed that the blame should rest upon the Proprietaries and their agents. The Quakers were no longer censured, and an Assembly of which they formed an inconsiderable portion as compared with the non-fighting Quakers of the Assemblies prior to 1756 unanimously adopted twenty-six resolutions, prepared by Mr. Galloway, setting forth the nature and extent of the grievances which they had suffered at the hands of the Proprietaries.

The great burden of complaint seems to have been the government of a deputy without whose consent no legislation could be enacted, who was bound in his acts to obey the instructions of the Proprietaries in England, and who was in no way responsible to the people of the Province for them. This, it was alleged, had been the main cause of the unequal taxation, the defencelessness of the Province, and all the other evils from which

it was suffering. It was said that the Assembly had since the settlement of the Province paid large sums by way of revenue to the Proprietaries and for the support of their governors, but that the Proprietaries had themselves appropriated for their private use all the best lands as soon as they had been acquired from the Indians, holding them for a high market, and in the mean time refusing to pay taxes on them. Thus the resolutions went on, heaping complaint upon complaint of the Proprietary system. Much of this, no doubt, was exaggeration, but it shows at least the utter discontent of the inhabitants with the rule to which they were subjected. The conclusion at which they arrived was this: "That the sole executive powers of government being in the hands of the Proprietaries (the actual owners of the larger portion of the soil), together with the extensive and growing influence arising from their vast and daily increasing estate, must in future times, according to the natural course of human affairs, render them absolute, and they may become as dangerous to the prerogatives of the Crown as to the liberties of the people."

These resolutions, drawn up by Galloway, were, as we have said, unanimously adopted, and it was understood when the Assembly adjourned that it would meet again in fifty days, to decide upon what measures it would recommend to redress the long list of grievances which it had enumerated. In the interval there was much talk of an address to the king asking him to revoke the charter and to take the Province under his own royal government, always reserving to the inhabitants the chartered privileges they had hitherto enjoyed.

When the Assembly met, in May, 1764, the commit-

tee which had been appointed at the previous session (consisting of Messrs. Galloway, Franklin, Rodman, Pearson, Douglas, Montgomery, and Tool) to recommend what course ought to be pursued at this crisis, reported that a petition to the king which had been prepared by Dr. Franklin should be adopted. This petition prayed that his Majesty "would *resume* the government of the Province, making such compensation to the Proprietaries as would be equitable, and permitting the inhabitants to enjoy under the new government the privileges that have been granted to them by and under your royal predecessors." This petition was supported by others, signed, it was said, by more than three thousand five hundred persons, urging the king to grant the prayer of the Assembly.[1] These petitions were signed by men of all parties,—by Quakers, by Germans, and by the Scotch-Irish settlers on the frontiers. The only organized resistance to the movement seems to have come from the Presbyterians of Eastern Pennsylvania. Some of the more prominent ministers sent a circular to their fellow-religionists throughout the Province advising them to cling to the charter and to sign petitions asking that it be retained. "It is not safe," they say, "to do things of such importance rashly. Our privileges (as Presbyterians) by this change may be greatly abridged, and cannot be enlarged. Our charter" (that is, the privileges secured by the charter)

[1] It has often been said that there was no opposition shown to this measure by persons opposed to a change of government. But a large number of petitions asking that the Proprietary government should be retained will be found among the Penn MSS. in the collection of the Historical Society.

"is in danger by such a change, and let no one persuade you to the contrary." No doubt a keen sense of the position occupied by the Presbyterian Church under the royal governments of New York and Virginia had much to do with inspiring these sentiments.

It would seem that Dickinson was not present when these resolutions were adopted, and that the violent attack which he made on the proposed petition had hardly been anticipated. On the 24th of May the debate began; and in reading the speeches of Dickinson on the one side, and of Galloway on the other, of this great question, involving a change of the form of government, it is very clear that we shall look in vain in the proceedings of any deliberative assembly of the present day for so masterly a discussion of a subject so fundamental as this in all its bearings. Dickinson began by admitting all the serious evils which were said to have resulted from the administration of the Proprietary government,—the inequality of taxation, the anomalous position of the governor, the evils which flowed from the obligation of the deputy to obey the instructions of the Proprietaries in England in governing the Province. But then he took the position which afterwards proved so damaging to his reputation when it was proposed to adopt independence as a remedy for admitted evils. He thought he foresaw greater evils in the change than those from which the Province was then suffering.[1] His sagacity, founded upon a thorough knowledge of the

[1] Consult a letter from Edward Rutledge to Jay (Correspondence of Jay, p. 67), "A plan of a confederation which Dickinson has drawn. It has the vice of all his productions to a considerable degree,—I mean the vice of *refining too much*."

aims of the British ministry, led him to the belief that it would be dangerous to place any confidence in them. His love of country, thus enlightened, made him, therefore, shrink from trusting such a remedy. His natural hesitation, which he never quite overcame, proved in 1776 to be weakness; but in 1764 it turned out to be the very highest wisdom, for the very evils which he predicted we should suffer from the acts of the ministry, could it get control here, showed themselves soon after in the arbitrary measures which precipitated the Revolution. Dickinson told the Assembly that the only question at issue was one of remedy, and he insisted that this was neither the time nor the way by which the remedy that was sought—that is, a royal government with the charter privileges reserved—could be obtained. He warned the Assembly that hitherto the very worst acts of the Proprietaries had been those in which they had been most strongly supported by the ministry; that we were not likely to be treated with favor when we avowed ourselves, as we had always done, opposed to a method of granting supplies approved by the late and the present king; and that it was unreasonable to suppose that we should be received on our terms under the king's government when we would not obey the king's commands. No one, he said, wished to come under the direct government of the king unless his privileges were preserved. He spoke of the danger of an established church and of a standing army, of the exceptionally favorable condition in which we had been placed by our charter, and of the folly of exposing ourselves to dangers from changes which we could not foresee, and which would render insecure those priceless privileges

that had made Pennsylvania what she was in the eyes of the world. Finally, he asserted that the Assembly had no right, by any law, divine or human, to change the form of government without the formal assent of the people. In short, rather than be a revolutionist he had become a prophet of evil; but all through it is clear that his motive was a strong love of country and fear for the future. He felt intensely the evils of the government under which he lived; but, not seeing a remedy, he felt that we had better

> "bear those ills we have
> Than fly to others that we know not of."

After all, it is easier to destroy than to build up. This speech of Dickinson's has always appeared to me to be the strongest of all his productions: it seems impossible to escape from its logic. But the people of the Province at that time were in no humor to be convinced by logic that they might change for the worse. The government under which they lived denied them protection, as they thought, and they were suffering from the wild panic of an Indian invasion. The petition was adopted by the Assembly, only four members of that body voting against it. It was never presented to the king, no favorable occasion, in the opinion of the Provincial agents, occurring when its prayer was likely to be granted with the "charter privileges reserved." And here it may be again said that the prophecies which Dickinson had made concerning ministerial interference here, in case opportunity offered, proved true. Less than three months passed before George Grenville proposed the enactment of the Stamp Act, and in less than eighteen months a congress of the Colonies

was assembled in New York to protest against that very interference which Dickinson's fears had anticipated and against which the Assembly of the Province had so strenuously contended.

This debate, although it made no converts in the Assembly, produced a profound impression, not only upon public opinion here, but also upon those members of the Penn family in England who, strong in ministerial support, had pursued so arbitrary and selfish a policy in the government of Pennsylvania. They discovered that those whom they had hitherto regarded as their strongest partisans did not hesitate to condemn that policy, although they might not be willing to join with Dr. Franklin and Mr. Galloway in encouraging a revolution in order to overturn the Proprietary government. They became more moderate in their pretensions after this display of the strength of the Colonists, and it is not unlikely that, if the claims of the Proprietaries in the coming struggle had not been identified with those of the ministry, some *modus vivendi*, at least for the time, might have been found. As it was, a blow against them was a blow against the ministry, although the majority of the Assembly professed itself willing to trust that very ministry with forming a government which should be satisfactory to Pennsylvania.

In those days the public was not admitted to listen to the debates, and of course there were no reporters. From the printed speeches of Dickinson on the one side and of Galloway on the other we derive all our knowledge of the discussion; although it was asserted at the time that the printed speeches were not faithful transcripts of what was said. It is well, however, to

remember that there was once a period during which such a debate could take place in the legislature of Pennsylvania. Not only was Dickinson's speech a masterly one, worthy of the occasion, but also that of his opponent, Galloway, to judge from the printed copy, had merit of the highest order. He said everything that could be properly said in favor of the experiment which Dickinson considered so hazardous, and said it in the best possible style, showing a familiarity with the question in all its bearings which serves to give one a very good idea of the extent of the attainments of a man who ranked in those days as a lawyer of the highest class. Galloway had at least the advantage of a sympathetic audience, who fully believed with him that any change in the system of government must be an improvement on the old one.[1] The interest which attaches to this debate in history is increased when we are told that the preface to Dickinson's speech was written by the Rev. Dr. Smith (the Provost), and that to Galloway's by Dr. Franklin. By many these prefaces have been thought quite to overshadow the speeches themselves. However, we have now the opportunity not only of seeing how this momentous occasion impressed the most conspicuous men in the Province, but also of knowing how the future then appeared to the sanguine temperament of Dr. Franklin, and of listening to the lessons of past experience taught by Dickinson.

[1] It must be said that Dickinson vehemently denied that the printed speech of Galloway was the one actually delivered by him. The only public men against whom Dickinson seems to have entertained a rancorous feeling were Galloway and John Adams.

CHAPTER IV.

FORERUNNERS OF THE REVOLUTION.

THE desire to change the Proprietary government was so strong and general that Dickinson, for a time at least, became so unpopular by advocating its retention that he lost his seat in the Assembly, and did not regain it until 1770. Pending the result of the application to the Crown to resume the government of the Province there was comparative quiet, and few subjects of importance, at least of those which involved our relations with the mother-country, excited public attention. There seemed to be no occasion for complaint amidst the rejoicings which followed on the Peace of 1763. English colonists here fully shared the glory, as they had shared the labor and the danger, of the achievements which had made their country mistress of North America and of India and the arbiter of the destinies of Europe. This year of jubilee did not last long, however, and it became necessary to decide how the money-cost of all this glory was to be paid. The crisis was evidently approaching which had long been foreseen by the most sagacious men in the Colonies, when ministerial interference with our affairs would take the shape of extorting our money from us by imperial authority to be used for imperial purposes; in other words, of raising a revenue from the Colonies by imposing taxes upon them by act of Parliament.

The two measures by which this policy was publicly avowed were the Sugar Bill and the proposed Stamp Act. The announcement by the ministry of their intention was met by an immediate and energetic protest from nearly all the American Colonies; and John Dickinson, whose predictions as to the folly of trusting to the ministry for relief had been fulfilled only too soon, was appealed to to lead the opposition to the principle of arbitrary taxation which underlay these two Acts of Parliament. On the 14th of March, 1764, there was reported to the House of Commons an act, commonly called the "Sugar Act," extending and perpetuating the English Navigation Acts. By it Great Britain was made the storehouse of the products of Asiatic, as it had long been of European, countries. This act increased the duty on sugar, and made various regulations intended to protect English manufactures sent to the Colonies; in short, its object was to give a monopoly of the Colonial commerce and production to the English trading classes, adopting an ingenious method of forcing the Colonies to pay tribute to the metropolis by making it the only market in which they could buy commodities the productions of any country in the world. It was asserted by the ministry that it was just that the revenue derived under this act from the Colonies should be used for imperial purposes. The important point connected with the proposed law was that it was the first in which the adoption of that policy was openly avowed.

At the same time that the Sugar Act was passed (and it met no opposition whatever), the House of Commons resolved "that it may be proper to charge

certain stamp duties in the Colonies." Mr. Grenville, however, with proper caution, postponed any legislation on this latter proposition until it could be ascertained how it would be regarded in this country. The Colonial Assemblies at once took the alarm when the news reached them that these new methods of taxation had been proposed, and protested strongly against their adoption, the Assembly of Pennsylvania declaring "that, as they always had, so they always should think it their duty to grant aid to the Crown according to their abilities when required in the usual constitutional manner."

At this time Mr. Dickinson, free from the anxieties and responsibilities of public life, determined to interpose. Like a vigilant sentinel, he saw, what many of his countrymen failed to see, the danger lurking in these two acts, and the fearful results that would follow if they should be allowed to be enforced without opposition. As the "Stamp Act" was not yet passed, he called attention to the provisions of the "Sugar Act," as a method of taxing us by act of Parliament. He printed a pamphlet in 1765 entitled "The Late Regulations respecting the British Colonies on the Continent of America considered." This pamphlet shows him to have acquired at that time as full a knowledge of the political economy of that day, as it affected the relations between the Colonies and the mother-country, as his speech on the proposed change of government had shown familiarity with the constitutional and legal principles on which those Colonial relations had been built. With great skill he set himself to prove to his English readers, for whom his pamphlet was specially intended, that the metropolis would suffer far more from

the enforcement of the new regulations established by the "Sugar Act" than would the Colonies themselves. He pointed out that the only way by which money could be raised in the Colonies to pay for English manufactures was by encouraging their foreign commerce. The amount which they owed the English manufacturers was large, as they had been forced to buy exclusively from them, and the Colonies had no other means of satisfying the debt. Our trade with Spain, Portugal, and the foreign plantations in the West Indies had hitherto enabled us to pay our debts to England in a certain roundabout way. Under the new act our foreign commerce must cease, because we were forbidden to send our productions—flour, fish, timber, etc.—where they were needed, and where their price would enable us to pay our debts in England, the mother-country having little need of our staples. Everything that we produced that Great Britain chose to take must be sent to that kingdom only, although a higher price could be obtained for certain articles elsewhere, and everything we chose to import from Europe must first be shipped to England and thence reshipped to us. Mr. Dickinson's object was to show, what does not seem to have been very difficult, that, as all the profits of this grinding monopoly went to the English merchants and traders, it was extreme folly on their part to give up the trade, and that we had submitted in this country quietly to all this extortion because the British connection seemed valuable to us, as our trade under these restrictions certainly was to the commercial class in Great Britain.

Speaking of the proposed Stamp Act, Mr. Dickinson scarcely refers in this pamphlet to the objections to

which its enactment subsequently gave rise, but confines himself almost wholly to the discussion of its economic effects. He insists, curiously enough, that such was the scarcity of silver in the Colonies at that time that a sufficiently large sum of that metal to pay for the stamps and the duties levied upon the articles imported could not be procured here. If there be not some strange exaggeration in this statement, it is certainly a most striking illustration of the poverty of the country in this form of currency at that time. Fortunately, the Assembly had issued, at various times, paper obligations, which in a certain way answered the purposes of a currency. This expedient mitigated to some extent the suffering of the trading-classes here produced by the English regulations, and at the same time enabled the people to purchase an increased amount of English manufactures. Mr. Dickinson, with great wisdom, confines himself to describing the injury likely to be inflicted upon the English merchants and manufacturers by the enforcement of this act, as he believed that their influence alone could bring about its repeal. In regard to the irritation inseparable from its enforcement here, especially the strong objections to the provisions giving jurisdiction to courts of admiralty acting without a jury, and converting the men-of-war on this station into court-houses and naval officers into judges for the trial of offences created by it, he knew perfectly well that the British public cared nothing, and therefore he was silent about wrongs which we considered grievous.

The year during which it was proposed that the opinion of the Colonists concerning the policy of the

proposed Stamp Act should be taken was about expiring when the ministry, with very little opposition in the House of Commons and none whatever in the House of Lords, but in the face of the vigorous and unanimous protest of the Assemblies of the Colonies, enacted that measure into a law on the 22d of March, 1765. As the political education of the American people made great progress during the year that followed, and as John Dickinson was one of their chiefest and most trusted leaders and teachers at that time, it may be useful to recall some of the stages of that progress.

We have now arrived at that period in our history when the discussion of the fundamental principle of English liberty on this continent, the right of the English Parliament to tax the Colonies for imperial purposes, was begun. The question, of course, at that time was not the amount of money involved in our loss of trade or in the payment for stamps, but the right of Parliament to lay a burden upon us for such purposes,—in other words, how far the alleged omnipotence of Parliament extended,—whether, as it was afterwards said, it extended to all cases whatever.

It is hardly necessary to recall the excitement which prevailed throughout the Colonies during the year in which we were threatened with the enactment of the Stamp Act. In striking contrast with our alarm and indignation was the absolute indifference which was shown in London in regard to its consequences. This act, which is now recognized by English historians as having been the most important and far-reaching in its results of any that was ever passed by Parliament, excited far less interest in England than the controversy

between John Wilkes and the Court, which was then at its height. Here it was the theme of multitudinous essays in the newspapers and in pamphlets, the writers all agreeing that great evils would result from its enactment, while each had a different theory to explain how its illegal and unconstitutional provisions were to be resisted. The discussions concerning the Stamp Act were typical of the differences of opinion, if not of the dissensions, which prevailed among us more or less during the Revolution. There was no dispute about the nature of our grievances, but there was a constant controversy as to the best methods of redressing them. Fortunately, as a means of relief, the Americans took a course which had in their previous history proved, it is true, unsatisfactory, but towards which they now turned instinctively, as they have done ever since in times of supreme danger. They determined to seek the counsel of the united Colonies and to abide by it. The proposition that delegates from the different Colonies should meet and consider the probable effect of the Sugar Act and the Stamp Act on the Colonies came from Massachusetts, and it was soon after agreed to by nine of the Colonial Assemblies. The common watchword at that time was the denial of the right of Parliament to tax America for imperial purposes; but how this opinion was to be enforced in the face of the well-known maxim as to the omnipotence of Parliament was a problem which it was left to the wisdom of the united Colonies in Congress to solve. As to Pennsylvania, her position, as shown by the resolutions adopted by her Assembly when accepting the invitation to be present at the Congress, was somewhat peculiar. She declared

emphatically that, whatever might be the abstract right of Parliament to levy taxes upon the Colonies, there was no justification, so far as she was concerned, for its exercise at the present juncture. "This Province," said the Assembly, "whenever required by his Majesty for carrying on military operations for the defence of America, had most cheerfully contributed its full proportion of men and money, and that in future, whenever called upon in a constitutional manner, it will be their duty to make liberal grants of men and money, not only for the defence and security but for the other public service of the British American Colonies."

The Congress met at New York on the 5th of October, 1764, nine Colonies being represented. Mr. Dickinson, as leader of the opposition to the Stamp Act in Pennsylvania, and as the man above all others in the country who was most familiar with the principle involved therein, was one of the delegates from this Province. His colleagues were Mr. Joseph Fox, who was Speaker of the House of Assembly, and Messrs. Bryan and Morton.

The Stamp Act Congress was not an harmonious body, and its meeting took place at a time when the general discontent did not demand immediate active resistance to the measures of the ministry. Unfortunately, as with the meetings of all the representative Assemblies which were held prior to the Revolution, the people were excluded from its deliberations: hence we know little or nothing of the discussions which took place, or of the views held by the different members, except so far as they may be gathered from the meagre account of their proceedings which they saw fit to

publish. From this source we learn that the debate on the nature of the resistance to be offered lasted eleven days; that it was at times very violent; that the presiding officer of the Congress was Mr. Timothy Ruggles, a Tory of the Tories, who refused to sign the report of its proceedings, and who became a brigadier-general in the armies of the king during the Revolution. Governor Colden of New York, where the Congress met, regarded its assemblage as illegal, and he avowed his determination to enforce the law, and to call in the regiments of General Gage, then stationed at New York, if necessary, to aid him. We learn, further, that in the end the delegates of six Colonies only out of nine were willing to express their approval of the very temperate resolutions which were proposed. It was clear that a common ground of opposition to the ministerial measures would be found with difficulty. The fame of Mr. Dickinson as a student of constitutional history had evidently reached the Congress: he soon found himself a leader in this the earliest of our national Assemblies. He was appointed to prepare the resolutions which should set forth the opinions of the Congress, and he tried hard to solve the problem which confronted them, how they could escape taxation without denying the omnipotence of Parliament.[1] By the eighth resolution it was asserted that the power of granting supplies to the Crown in Great Britain belonged solely to the Commons, because these supplies were wholly the gifts of the representatives of the people, and hence it involved an inconsistency on the part of the English Commons to give to

[1] See the original draft, as prepared by him, Appendix I.

his Majesty that which was not their own,—namely, the property of the Colonists. This refined and subtle view of the power of taxation was not original with Mr. Dickinson: it had been first put forward by Mr. Dulany of Maryland some years before, and it was thought a point so well taken by some of our friends in England that it was afterwards used (as we have said) by Lord Chatham as an argument in his great speech in the House of Lords denying the right of England to tax America. This seems now rather a narrow foundation to bear the weight of so imposing a claim as that of the imperial power of taxation; but it seems to have been adopted, with some other doubtful conclusions, because the Congress insisted upon resting their case alone upon the fundamental rights of the Colonists guaranteed by English law and their own charters, and not upon any theory of the natural rights of man.

Shortly afterwards the Rockingham ministry came into office, and the Stamp Act, after a violent struggle in the House of Commons, was repealed on the 22d of February, 1766. The motive of this action was undoubtedly the absolute impossibility of enforcing its provisions, rather than any conviction on the part of the House of Commons of its impolicy or injustice.

In recalling the vast services which Mr. Dickinson rendered to the country by his opposition to the Stamp Act, there is one peculiarity of his conduct which should be noticed, for it was characteristic of his reverence for law, as well as of his devotion to well-settled principles of English liberty. He neither joined in nor approved of the noisy and revolutionary proceedings which were

then common in certain parts of the country as modes of testifying the determination of the people that the proposed law should not go into effect. On the contrary, when it was proposed at a meeting of the bar of Philadelphia that they should transact their business without using the stamps which the law prescribed, he denounced the proposition as unbecoming in such persons and even revolutionary in its example and tendencies.

Accompanying the repeal of the Stamp Act was the famous declaratory resolve which it had been necessary to make part of the repealing legislation in order to secure its adoption by Parliament and save the pride of the ministry while yielding. In this resolve the right of Parliament to tax the Colonies "in all cases whatsoever" was asserted in emphatic terms. Little heed was given either in England or in this country, in the midst of the general rejoicings and congratulations with which the news of the repeal of the act was received, to the great significance of this declaratory resolve. It was soon found, however, that this reservation of the right of Parliament to tax the Colonies for imperial purposes was not intended to be mere *brutum fulmen*, but was to be used when a more convenient season should arrive for its exercise. For the present, a general outward calm and tranquillity prevailed, although the far-seeing in both countries were husbanding their resources for another stage of the controversy. It seemed, indeed, that all the petitions, remonstrances, and opposition from every quarter with which the enforcement of the Stamp Act had been met had not enlightened the ministry as to the true ground of our

resistance. It was evidently supposed that the objection on the part of the Colonies was to the method rather than to the right of taxation. Hence the Rockingham ministry, which had repealed the Stamp Act, did not hesitate to approve the scheme of Mr. Charles Townshend, the Chancellor of the Exchequer, for raising a revenue for imperial purposes, and principally for the support of the royal officers in America, by imposing duties on tea, glass, paints, etc.

The controversy about the Stamp Act brought out in striking contrast the differences of opinion not merely as to the nature of the grievances from which we were suffering, but also as to the proper measures of redress to be taken, which prevailed in New England and in the Middle and Southern Colonies. The standard of rightful government in New England, as we have so often said, was its conformity with what was called "natural equity," by which was really meant a system of self-government which should be as little as possible under the control of the English Parliament. The other Colonies at that time professed absolute respect for English law when constitutionally administered among them. They felt that if they suffered from unjust and oppressive laws they should not, in order to obtain relief, precipitate a revolution, but should adopt, in the beginning at least, the old English method of petition and remonstrance, not asking for redress as a favor, but insisting upon it as a right under the law, and should persist in their demands until no resource was left but open rebellion. Their attitude in the mean time should be, it was contended, that of Englishmen in all similar circumstances,—petitioners

in arms. They looked with horror upon the acts of violence committed against governors, judges, and other dignitaries, of which the people of Massachusetts, stimulated by the extraordinary rhetoric of their leaders, had been guilty.

The New England people, or rather the ministers and politicians their leaders, talked much in the Stamp-Act Congress about the speculative political ideas of Sidney and of Locke as forming the basis of their right to resist arbitrary government; the delegates from the other Colonies followed the example of their ancestors in 1628, who when they adopted the Petition of Right in the House of Commons affirmed with the great fathers of English liberty that certain great principles of government, including the principle which in certain aspects was the most important of all,—the claim to be free from arbitrary taxation,—formed an essential part of "the ancient and undoubted rights and privileges of the people of this realm." The first party claimed to follow the light of nature; the other, to be guided by the lamp of experience. The one strove to throw aside all the restraints of English law when it seemed to justify the exercise of Parliamentary government over the Colonies; the other sought to find in that law itself justification for the resistance which was made to the enforcement of arbitrary acts. The one saw no way of effective relief save in a radical revolution which should bring about a popular form of government; the other thought it a duty (in which opinion it was supported by all the English political traditions) to consider rebellion, war, and revolution as the *ultima ratio*, to be resorted to only when all other remedies for the evil had proved

unavailing. The party of law and order and of a legal resistance founded upon a reasonable basis, as opposed to that which claimed that Americans[1] "had rights antecedent to all earthly government, that cannot be repealed or restrained by human law, rights derived from the great Legislator of the universe," prevailed in the Stamp Act Congress. It should be remembered to the perpetual honor of John Dickinson's memory that if he was not the discoverer of the principle that there are bounds even to the alleged omnipotence of an English Parliament, he was at least the pioneer in applying that discovery to our own relief, by insisting that grants to the Crown by the Commons were gifts of their own money, over which they had absolute control, and not the product of a compulsory taxation over which they had none.

The English ministry was probably misled by the strong emphasis which had been laid here during the controversies concerning the Stamp Act upon the alleged distinction between external and internal taxation. We had refused to submit to the latter, but admitted that the former might be binding upon the whole empire as a commercial regulation. In form the duties levied on paints, glass, tea, etc., were undoubtedly such a regulation, but it was at once contended here that, in point of fact and of principle, this was as much an exercise of the alleged right of Parliamentary taxation for the purpose of raising a revenue for imperial purposes as the Stamp Act itself. Although it was passed by the opponents of the Stamp

[1] John Adams.

Act, and by the Rockingham ministry, who professed to be our friends, the act met at once with opposition here. Late in October, 1767, it was denounced by a public meeting in Boston, which suggested a non-importation agreement as the best means of rendering its operations ineffective. These agreements were favorite expedients for manifesting political discontent in those days, but, as they were voluntary, their obligation sat somewhat loosely upon those who signed them. The truth is, that those who were most decided in opposition to the course of the ministry were somewhat puzzled as to the plan they should adopt to exhibit the earnestness of their discontent. They had tried, in the case of the Stamp Act, the effect of a Congress of the Colonies, but it appeared that such a body could be relied upon only to express the united opinion of America on one point,—namely, that grants of money to the Crown were gifts, and not taxes in the ordinary sense, levied by general legislation. The prospect of greater unity in another Congress was not very promising: so that the weak expedient of a voluntary non-importation agreement, to be signed in all the Colonies, was resorted to.

While the leaders of the opposition throughout the country were doubtful and hesitating, there appeared in the *Pennsylvania Chronicle* for the 2d of December, 1767, the first of a series of letters on the political situation, afterwards known as the "Farmer's Letters." The first letter was dated on the 7th of November, the anniversary of the day upon which William of Orange had landed in England, a day of ill omen to those who the Colonists contended were governing them in the

same arbitrary manner as that in which James II. had governed their forefathers. The letters, fourteen in number, followed one another in quick succession, and they were read by men of all classes and opinions throughout the continent as no other work of a political kind had been thitherto read in America. It was, of course, soon known that John Dickinson was their author, and people remembered that he was the person who had formulated what was a genuine Bill of Rights in the Stamp Act Congress. The more these letters were read, the more convinced people became that in the comprehensive survey they took of our political relations with the mother-country, especially as these were affected by the last obnoxious act of Parliament, and in the plans which were proposed to remedy the evil, Mr. Dickinson had struck the true key-note of the opposition to the ministerial measures. He appeared at this crisis, as he did in the Stamp Act Congress, as the leader and guide in the controversy. From this time until the Declaration of Independence the Pennsylvania idea, which was embodied by Mr. Dickinson in these Farmer's Letters, "controlled the destinies of the country;" and Mr. Bancroft only does justice to Mr. Dickinson's position when he recognizes fully his commanding influence during that period. We may say, with pardonable pride (and it is one of those truths which many of our historians have managed in various ways to relegate to obscurity), that, as the leading spirit in the Stamp Act Congress, Dickinson gave form and color to the agitation in this country which brought about the repeal of that act, and that the arguments by which the claim of the ministry to tax us for revenue

by such an act of Parliament as that levying duties on glass, paints, etc. was answered in the "Farmer's Letters" first convinced the whole body of our countrymen, groping blindly for a cure for their grievances, that there was a legal remedy, and then forced the ministry to consent in a measure to the demand for a repeal of some of its most obnoxious provisions. It is worth remarking that when the ministry yielded at all it yielded to argument, and not to the boastful threats which were so common. The "Farmer's Letters" gave courage and force to those who in February denounced the law in Pennsylvania; they formed the mainspring of the movement which resulted in the circular letter sent by the legislature of Massachusetts on the 17th of that month to the Assemblies of the other Colonies; in short, they had the rare good fortune not only of convincing those who suffered that the remedy was in their own hands, but also of persuading those who had the power to abandon, or at least to modify, their arbitrary measures. The publication of these letters and the influence they had in preparing the minds of the people for the approaching crisis form, in my opinion, a most important era in our Revolutionary history, and for that reason they deserve a careful examination in any story of Mr. Dickinson's life.

In these letters Mr. Dickinson appears as a statesman, discussing the questions in controversy, not on speculative grounds, as was the habit of many writers of that day,—men who had very little knowledge of and still less reverence for positive law,—but as one who firmly believed in the traditions of English liberty, and who thought that English law rightly interpreted by

English history was the basis of the freest political condition of which the human race up to that time had shown itself capable. He points out specifically, one by one, the grievances complained of as violations of law, and then treats of the remedy. He writes not as an angry controversialist, but as a judicious counsellor and guide, free from the slightest heat or partisan excitement, treating the subject with a certain calm dignity and self-composure which seem to suggest that he can offer a remedy for the evils from which the people around him are suffering, unknown to helpless and self-seeking politicians. His attitude recalls the picture drawn by Virgil as he compares the power of a great orator with that of Neptune subduing the angry waves:

> . . . "Quum sæpe coorta est
> Seditio, sævitque animis ignobile vulgus;
> Iamque faces et saxa volant; furor arma ministrat;
> Tum, pietate gravem ac meritis si forte virum quem
> Conspexere, silent, adrectisque auribus adstant;
> Ille regit dictis animos et pectora mulcet."

Mr. Dickinson begins these grave essays with an air of simplicity as charming as it is calculated to attract the attention of the reader. "I am a farmer," he says, "settled, after a variety of fortunes, near the banks of the river Delaware, in the Province of Pennsylvania. I received a liberal education, and have been engaged in the busy scenes of life, but am now convinced that a man may be as happy without bustle as with it. Being generally master of my time, I spend a good deal of it in my library, which I think the most valuable part of my small estate. I have acquired, I believe, a greater

knowledge of history and of the laws and constitution of my country than is generally attained by men of my class," etc. He then explains the nature of the controversy with the mother-country, making it so clear that the points in dispute are comprehensible by a child. Mr. Dickinson always possessed the rare faculty of so stating a legal proposition in ordinary language that his conclusions were as easily understood by one who was ignorant in technical matters as by the professional reader. The manner in which he discusses in these letters historically the nature of English liberty secured and guarded by law, and the extraordinary steps which had been taken by the ministry in violation of the spirit, if not of the letter, of that law, by suspending the exercise of the legislative powers of the New York Assembly because it had declined to vote for supplying the troops quartered there with "salt, pepper, and vinegar," is a striking illustration of his skill. He dwells on these details in the beginning simply to catch the attention of the reader, so as to point out the lesson which all these "Farmers' Letters" sought to enforce. It was this: "If an Assembly may be legally deprived in such a case of the privilege of legislation, why may it not with equal reason be deprived of every other privilege?" Thus the case of the New York Assembly, although it seemed to involve only so trivial a matter as the supply of "salt, pepper, and vinegar" to the soldiers, really raised the question how far and under what limitations power existed in the Colonies to legislate concerning their internal affairs. Passing then to the claim of taxation, he does not attempt to show that Parliament has no

right to tax us because such a claim is against the law of nature or of "natural equity," a doctrine constantly preached by agitators, clerical and lay, in New England, but he maintains, what is more to the purpose, by an examination of the English statutes, that not one can be found, until the Stamp Act of Mr. Grenville, by which taxes for the raising of an imperial revenue from the Colonies are levied. He insists that the act levying duties on paper, glass, paints, etc., although in form for the regulation of trade, is in point of fact an ingenious contrivance to tax the people here for imperial purposes. "We must have," he says, "paper and glass and tea, and we must by existing laws import them from England alone. Once admit that Great Britain may levy duties on articles of necessity, which we are forced by law to import from her, under the plea that such a proceeding is a commercial regulation, then she will not be restrained from levying what duties she thinks proper on all articles which she prohibits us to manufacture, as well as those required for daily use, which we must take from her." As to our method of asserting our rights, he says, with an elevation of sentiment which reminds one of Edmund Burke more than of any other political writer, "The cause of liberty is a cause of too much dignity to be sullied by turbulence and tumult. It ought to be maintained in a manner suitable to her nature. Those who engage in it should breathe a sedate yet fervent spirit, animating them to actions of prudence, justice, modesty, bravery, humanity, and magnanimity." He shrinks, evidently with terror, from speaking of what may be the consequences of the persistent refusal of England to change her oppressive measures: his loyal

heart evidently looked forward to the possibility of armed resistance very much as we may suppose an old Roman to have regarded the crime of parricide, the very thought of which inspired such horror in the minds of the ancients that it was not considered necessary to forbid its commission by formal law. "If," he says, "at length it becomes undoubted that an inveterate resolution is formed to annihilate the liberties of the governed, English history affords frequent examples of resistance by force. What particular circumstances will in any future case justify such resistance can never be ascertained until they happen. Perhaps it may be allowable to say, generally, that it can never be justifiable until the people are fully convinced that any further submission will be destructive to their happiness."

But he trusts that we are still far away from the *ultima ratio*, and that we may never have occasion to appeal to it. After showing in the most striking manner the nature of our wrongs, the letters turn gladly to the remedy that lies open to us. That remedy is based upon a cultivation of the spirit of conciliation on both sides, and Mr. Dickinson urges again and again upon his English readers the folly of their policy, by showing them the value of the American Colonies to them, and especially how the trade and wealth of the English merchants are bound up in the adoption of a liberal policy towards us. This is one of the most interesting and important topics discussed in these letters, and the subject is treated with elaborate skill, leading to convincing conclusions drawn from our history. It must not be forgotten that prior to the Revolution an im-

pression widely prevailed among the most thoughtful of our own people, as well as among our friends in England, that if the English people could be made to understand the frightful losses they would suffer in case of a war in which we should be fighting for our independence, or even during a short interruption of the trade between the two countries, they would force the government to yield rather than run the risk of the consequences. Such, undoubtedly, was the opinion of Dickinson, and in this way is to be explained his constant advice to Englishmen to adopt a policy of conciliation. It is very true that Dickinson and his friends were sadly mistaken and disappointed in their hopes and calculations. They could not have foreseen that the heart of George III. would grow harder and more obdurate in spite of the appeals of those who had been his loyal subjects here, and who desired to remain such if he would rule them as they had been ruled previous to the Peace of 1763. They could not have believed that the pride of the British House of Commons would prove so unyielding that neither threats nor a spirit of conciliation nor an appeal to self-interest could move it to redress our grievances. Still, his arguments and appeals to the justice of the English government, conceived in a lofty spirit of conciliation, are characteristic of the man, and deserve to be remembered as an expression of the ardent desire for a complete reconciliation which prevailed here in 1768. This feeling was so general that even Dr. Franklin in London, who had had so many proofs of the indifference and contempt with which the representations of the Colonies in England were regarded, shared

it. He thought the appeal of the Farmer to Englishmen so irresistible that, although no friend of Dickinson's, he arranged that these letters should be reprinted in London. He seemed to think that their publication there might enlighten the ignorance of the English public on Colonial affairs, an ignorance which had been found thus far invincible, and that the letters might do some good, even if they merely showed errors and prejudices on the part of the Americans which might be corrected. They were shortly afterwards translated into French, and did much to enlighten the publicists on the Continent concerning the controversy.

The practical value of the Farmer's Letters consisted, therefore, not in mere denunciation of the measures of the ministry, as was the case with so much that was printed at the time, but in the legal and peaceful methods which they recommended to the Colonists in order that the evils from which they suffered might be remedied. It was not enough to convince our own countrymen that our quarrel was just, but it was necessary also to persuade those who governed us in England to see the matter in the same light as we did. To do so it would have been quite out of place to make use of an *a priori* argument to prove what the relations between a metropolis and her colonies ought to be. What we had to do was to show that what we contended for was precisely what the English had always recognized as our true and normal relation. "Colonies," said Dickinson, in absolute conformity with the political economy of the time, "have been settled by the nations of Europe (in modern times) for the purposes of trade. These purposes were to be

attained by the colonies sending to the mother-country those things which she did not produce herself, and by supplying themselves from her with those things which they wanted. These were the rational objects in the commencement of our Colonies." He finds no fault with this policy, narrow as it is, and he strives to prove, by extracts from the works of all the writers of authority on the English colonial system, that such is the existing colonial policy, and that it ought to be the theoretically perfect condition of the relation. Whatever, therefore, is destructive of the trade and commerce thus established must necessarily be injurious to the prosperity of the metropolis. He does not hesitate to maintain that the present wealth and importance of England are due to her colonies. The familiarity which he shows with the subject he is discussing seems very remarkable, and is in striking contrast with that of most of the Colonial writers of the time. He draws the attention of his English readers to the abuse of certain unquestioned prerogatives of the Crown as having proved in the history of their own country acts of unmitigated tyranny, such as the power of the Crown to create peers, and the power of the House of Commons to force the other branches of the legislature to adopt their grant of supplies without amendment; and he uses these illustrations for the purpose of convincing Englishmen how easy it is to turn what might be legal as a trade regulation into an act which might be wholly illegal as a mode of raising revenue. With that firm grasp of the underlying principle of a question which was a distinguishing characteristic of his intelligence, he sees in the apparent insignificance of

the impost, so far as future dangers are concerned, the most alarming feature of the law. He regards this as the most enticing bait of the trap into which we are asked deliberately to walk. He warns his countrymen against it. "For who are a free people?" he asks. "Not those over whom government is reasonably and equitably exercised, but those who live under a government so constitutionally checked and controlled that proper provision is made against its ever being otherwise exercised." Has there ever been a clearer definition of constitutional rule? He insists that "no free people ever existed or can exist without keeping (to use a common but a strong expression) the purse-strings in their own hands. Where this is the case they have a constitutional check upon the administration, which may thereby be brought into order without violence."

Such is an imperfect sketch of the great work of John Dickinson,—the famous "Farmer's Letters," which contain more practical and applied political philosophy than is to be found in many elaborate treatises. To most Americans they became, until the beginning of the war, a genuine political text-book, and their maxims were received with absolute confidence. Like the writings of Burke, of which these letters constantly remind us, they form a great storehouse of political wisdom from which all those who would vindicate the American Revolution on the ground of its conformity with the maxims of the English law must draw their arguments and illustrations. They teach us that under that law there was such a thing as constitutional resistance, and tell us how and when that resistance was to be made. They are as far removed from recommending submission to

wrong as the wildest harangues of the New England zealots, or as the sober Petition of Right which the loyal subjects of Charles I. presented to him in 1628. Their object was not to provide a specific remedy for the injuries complained of by the adoption of the act levying duties on glass, paints, etc., other than the non-importation and non-exportation agreement, which it was seen must prove in the long run ineffective, but to cultivate a habit of constitutional resistance to oppressive acts of Parliament by pointing out exactly what our rights were and what measures of redress were open to us. The conviction of the Farmer was that such an attitude persistently maintained, according to all the precedents of English history, would accomplish the object he had in view.

The fame of Mr. Dickinson as the author of these letters soon became widely spread, not only on this continent but in Europe, and, what is more to the purpose, his conclusions were generally adopted by his countrymen. The letters were read as they appeared, at intervals, with the utmost eagerness by that large number of intelligent persons throughout the Colonies who were profoundly anxious about the result of the controversy concerning the ministerial measures, and they doubtless gave the main impulse to the movement which, beginning with the circular letter of Massachusetts in February, 1768, gained strength every year until it found full expression in the first Continental Congress of 1774. There was a peculiarity about these letters which added much to their popularity, and that was their opportuneness. They crystallized opposition

and made the discontented agree upon a common remedy. For a time all threats of armed resistance looking towards a project of independence ceased. Even men of the most advanced opinions thought it expedient to try the Farmer's way before moving forward in their own. The legislature of Massachusetts, at the very time that it was protesting against the acts of the ministry, did not hesitate to write to Lord Hillsborough, the Secretary for the Colonies in 1768, that they "would not take independency if offered to them." The probability is that the ministry was lulled into a sense of fancied security by these avowals and others like them expressed in the different Colonies, and that it supposed, from the very moderate language used, that there would be no forcible resistance. Not only did people both in this country and in England do justice to the statesmanlike view of the position which Dickinson had taken in these letters, but there seemed also a general agreement that he had adopted the right method in stating our grievances and insisting that no Englishman could deny the lawfulness of the opposition which he had recommended. Our friends in England, whose aid he had always invoked, regarded with peculiar satisfaction the conciliatory tone which he had adopted, so different in its spirit from that of the ordinary threats, protests, and resolutions by which the British public had been appealed to. So general was the approval of his course, that at a town meeting held in Boston on the 21st of March, 1768, it was voted "that the thanks of the town be given to the ingenious author of a course of letters, published at Philadelphia and in this place, signed 'A FARMER,' wherein the rights of

the American subjects are clearly stated and fully vindicated; and Dr. Benjamin Church, John Hancock, Samuel Adams, Dr. Joseph Warren, and John Rowe are appointed members of a committee to prepare and publish such a letter of thanks." These letters were considered "very wild" by Lord Hillsborough; says Mr. Bancroft, "Many called them treasonable and seditious, yet Edmund Burke approved their principle. Translated into French, they were much read in Parisian *salons;* their author was compared with Cicero; Voltaire joined the praise of the farmer of Pennsylvania and that of the Russians who aspired to liberate Greece." [1]

[1] At home Dickinson was the recipient of all the public honors which his grateful countrymen could bestow upon him. He was made Doctor of Laws by the College of New Jersey at Princeton, and in his diploma he was called by a title of which he was always very proud,—"The Pennsylvania Farmer." He was made a member of "Fort St. David's Company," now "the State in Schuylkill," the oldest of all our social organizations, in a way peculiarly gratifying to his feelings. On May 12, 1768, fourteen gentlemen, members of the Society of Fort St. David's, waited upon John Dickinson, and presented an address (from which the following extracts are taken) enclosed in a box of heart of oak. "We, members of the 'Governor and Company of Fort St. David's,' who are indebted to you for your most excellent and generous vindication of liberties dearer to us than our lives, beg leave to render our heartiest thanks, and to admit you as a member of this Society." Among other things, they say, "You have penetrated to the foundations of the Constitution, have poured the clearest light on the most important points, hitherto involved in darkness bewildering even the learned, and have established with amazing force and plainness of argument the true distinctions and grand principles that will fully instruct ages yet unborn what rights belong to them and the best method of defending them." It was pleasant for Mr. Dickinson to feel that he had made the mysteries of constitutional law plain to these patriotic fishermen and lovers of

The immediate outcome of the "Farmer's Letters," as we have said, was the stricter observance of the non-importation and non-exportation agreement which they recommended, and renewed petitions to the ministry for the repeal of the acts levying duties. On the 20th of February, before the course which was to be pursued by the other Colonies was known, the Assembly of Pennsylvania instructed its agents in London to co-operate with those of the other Colonies there in asking for the repeal of these acts. The legislature of Massachusetts went still further: it not only petitioned the ministry for the repeal, but sent a circular letter to the other Colonies denouncing those laws as inequitable, and especially complaining of the disposition proposed to be made of the taxes levied by them. This circular gave great offence in England: the governors of the different Colonies were commanded by Lord Hillsborough to use "their utmost influence to defeat this flagitious attempt to disturb the public peace," etc. If such an appeal should prove vain, then the governors were commanded to prorogue or dissolve the Assemblies. This order of Lord Hillsborough's was sent, among others, to the governor of Pennsylvania; but the patriots in the Assembly did not fail to remind his lordship "that by their charter and laws they had a right to sit on their own adjournments, and that the governor had no constitutional right to prorogue or dissolve them, and that it was their undoubted right to correspond with the representatives of the freemen of any of his Majesty's Colonies in

good cheer, although his modesty shrank from the extravagant terms in which their approval was expressed.

America relative to grievances which might affect the general welfare of the Colonies." Two things are to be remarked concerning this spirited answer of the Assembly: first, the stupid ignorance of the English authorities as to the actual conditions of the government of one of the principal Colonies; and, secondly, the vast superiority of Penn's charter to the charters of the other Colonies, consisting in the power which the Assembly possessed to assert popular rights without any fear of punishment. This was a peculiarity of the utmost value, and much insisted upon, as we shall see, when a certain party in the Province, urging the abolition of the charter, spoke of it as oligarchical or even despotic in its character. Meantime, the agitation was kept up in Pennsylvania. In April, 1768, a great meeting was held in Philadelphia, in which Mr. Dickinson explained very clearly the political condition and advocated with great force the adoption of the non-importation and non-exportation agreement. This agreement was at once signed by all the large importers and merchants here and in all the principal towns of the continent. In May the Pennsylvania Assembly adopted a petition to the king, which was drawn up by no less a person than Chief Justice Allen (who held his office by royal authority), and it bears many marks of the collaboration of Dickinson, who was not at that time a member of the Assembly. The petition is remarkable for the force with which it insists that recent legislation had made an unfavorable discrimination in favor of the other subjects of the empire as compared with the American Colonists; but it avoids any reference to the inexpediency of the revenue act,

lest it should appear for a moment that its constitutionality was admitted. By such painstaking care and labor was the work of our fathers in building up our liberties on a sure foundation done. And it should never be forgotten that the master-workmen in this great enterprise, whether we have been since taught to call them Whigs or Tories, patriots or loyalists, proved themselves worthy of upholding those traditions of English liberty in which they had been nurtured. They all stood in those days in the same rank,—Chew, Galloway, Allen and his sons, the Tilghmans, Edward Shippen, and George Ross, shoulder to shoulder with Dickinson, Reed, Clymer, Franklin, and McKean.

The feeling towards England during the summer of 1768 was intensely hostile, and in that country people became more and more convinced that the only way of stopping the complaints of the disaffected was to send a fleet to reduce the people of Boston, at least, to reason. The ministry seems to have laid particular stress upon the refusal by the Massachusetts legislature to rescind the circular letter which it had addressed to the different Colonies. That refusal was the signal for the outburst of the long-pent-up anger of the ministry, and the legislature was forthwith dissolved. Feeling itself strongly supported by public opinion at home, and quite sure of its ability to master the situation by a display of force, the ministry determined to carry out its policy at all risks. The non-importation and non-exportation agreement not having proved as effective in certain parts of the country as had been hoped, owing to the selfishness or disaffection of many, the Colonists paid, amidst much grumbling, the duties on

glass, paper, paints, and tea, because they were articles of prime necessity. The government at home had no better term with which to qualify the discontent which prevailed than "the insolence of the town of Boston." A vessel of war was ordered to Boston harbor to protect the custom-house officers; two regiments under General Gage were sent thither (a force afterwards largely increased) to preserve order; threats of changing the charter were made, and it was proposed to remove to England for trial those persons who were charged with certain offences against the Crown.

Thus there was a perpetual irritation kept up between the representatives of the English government in Boston and the townspeople. Nothing, of course, could be more offensive to a population bred in habits of law and order on all subjects other than those which were political, than to find their town in what is called in modern phrase "a state of siege." It was galling beyond measure to these sons of the Puritans to discover that they were guarded by soldiers on land, and that their trade was watched by armed vessels in the bay. Their leaders had been taught by woful experience that resistance, unless they could unite the force of the continent for that purpose, would be idle. They refrained, therefore, from any overt act of opposition, but the bitterness and discontent grew stronger every day. At last (in July, 1769) that portion of this hotly-contested act which imposed import duties on paper, glass, and paints was repealed by Parliament, leaving in force only that which levied a tax on tea, which was reduced to threepence a pound. The object was simply to maintain

the principle of taxation, and this was the least tantalizing and vexatious way of doing it that could be found. The details of the shipment of the tea by the East India Company to Boston, and its destruction there, are familiar, and it is therefore not necessary to repeat them.[1]

In consequence of this act, Parliament, with the general approval of the English public, directed that the port of Boston should be closed, that the town should be declared in a state of rebellion, and that an increased military force should be stationed there. Not a whisper of conciliation came from England at this time: the object of these measures was not compensation to the East India Company, but the punishment of Boston for what was then commonly called "its insolence in permitting the destruction of the tea."

In the mean time there was comparative quiet in the other Colonies, and in many of them, doubtless, it was felt that the condition of Boston was largely due to unlawful acts which she ought to have prevented. Men elsewhere, as was natural, preferred to consider their

[1] The fact that Philadelphia was the first city on the continent which adopted measures to prevent the landing of the tea is not so well known. On the 18th of October, 1773, a meeting of the citizens was held in the State-House yard (Dr. Thomas Cadwalader presiding), when resolutions were adopted announcing the determination of the citizens that the tea which had been sent to this port should not be landed. The meeting in Boston for the same purpose was held on November 5, 1773, when the resolutions adopted by the Philadelphia meeting were approved almost in the same words, the chairman of the Boston meeting, John Hancock, saying that they fully expressed the opinion prevailing there. (See *Pennsylvania Mercury* of October 1, 1791, and Frothingham's "Rise of the Republic.")

own position in the quarrel, to point to their own example, and to decide for themselves what should be their attitude in those evil days which all felt were fast coming on them.

There was a sincere and deep-felt sympathy here with the people of Boston in the sufferings which they were called upon to endure in consequence of the destruction of the tea, an act which, strange to say, was regarded in Massachusetts as almost heroic, while the people here not merely condemned it as unlawful, to speak mildly, but insisted that compensation should be made to the East India Company for its loss.

Mr. Dickinson became again a member of the Assembly in 1771, and on the 5th of March of that year he drafted, at the request of the Assembly, a Petition to the King, which was unanimously adopted. This petition complained that, while many of the acts recently passed for the sole purpose of raising a revenue had been repealed, the duties on tea were still retained, adding, "we have reason to fear, forming a precedent for repeating such taxation hereafter." The petition, which is in the tone of the most loyal devotion to the Crown, asks that the people of Pennsylvania may be restored to the condition they were in before 1763.

Mr. Dickinson may have suffered from the unpopularity which clung to him in consequence of his support of the Proprietary charter in 1764. But he was not lost sight of in time of need. It is very clear from the result that these years were given by him to a continued study of the relations of the Colonies with the metropolis. The first fruit of these studies was, as we have seen, the "Farmer's Letters," the most accurate and

satisfactory statement of those relations which had been made public. These letters brought him at once into the foremost rank of controversialists, and soon forced his recognition on all sides throughout the continent as the leader in the coming struggle. It is true that no change of circumstances could induce him to modify the great principles which he had held in the quarrel as he had stated them in the "Farmer's Letters." Hence his influence with certain advanced patriots in New England became impaired. Those who had been loudest in his praises in that part of the country, and who had followed his teaching when they called him the "illustrious farmer," not only forsook him as time went on and they found that he did not approve of their course, but denounced him because he would not plunge into the revolutionary current with them. They did not consider that the change was with them and not with him. The truth is, the people of Massachusetts, and especially of Boston, were so indignant and so excited by the scenes of wretchedness and ruin daily before their eyes that they lost all control of themselves, and spoke with contempt of any sympathy expressed for them which did not promise material aid for their support. Mr. Dickinson, in a private letter to one of his former admirers in Boston just after the destruction of the tea, had ventured to doubt whether that act was a wise one. Whereupon Mr. Quincy (for it was he who was Dickinson's correspondent) replied (August 20, 1774), "I say, if a Colony thus insulted, galled from without and vexed within, should seem to advance and break the line of opposition, ought it to incur the heavy censure of betraying the common cause?" Dickinson replies not

merely with courtesy, but in the kindest possible spirit: "I trembled lest something might have happened which *I* could not only forgive but applaud, but which might have been eagerly and basely seized upon by others as a pretence for deserting them. This was the sense of men in Philadelphia the most devoted to the people of Boston, and under this apprehension we agreed to make use of the strongest expressions. I wrote in agonies of mind for my brethren in Boston." So much for Quincy. Samuel Adams, John Adams, and Gerry expressed similar opinions at this crisis. They had been unwilling, or perhaps unable, to take the advice or follow the example of Dickinson. When trouble came upon them in consequence, they appealed to him again for counsel, but found him unwilling to change the well-settled opinions of his life and to advise the people of Pennsylvania to aid those who were engaged in violent resistance to the execution of acts of Parliament. The truth is, the people of Boston were fast drifting into a revolution. If they were not conscious of it, the vast majority of the people of the other Colonies saw it plainly, and, as they were then united for a redress of grievances, they could not seek that redress by force until the usual orderly and peaceful means of obtaining it, by a common effort, had utterly failed. Such, at least, was John Dickinson's doctrine, and he was never forgiven by the New England zealots because he refused to follow them in their blind fury. From that day he was no longer to them the "illustrious farmer," but "timid," "apathetic," "deficient in energy," etc. He became the point of attack of these men during the Revolution, and he has become to the New

England historians ever since the type of a weak, doubting, and undecided trimmer. The following extracts from Mr. Wells's "Life of Samuel Adams" will explain how such opinions came to be held:

"From the time that the celebrated John Dickinson commenced writing his 'Farmer's Letters,' in the fall of 1767, Mr. Adams had felt his heart warm towards him with the sympathy of one great mind appreciating another through his works, without a personal acquaintance. He was so pleased with the purity of style and devoted patriotism of those writings that he repeatedly quoted them in his own essays, as if anxious that the New England people should not miss their benign influence, and he often held them up to his fellow-citizens as worthy of their frequent consideration. No man south of Massachusetts had done so much in the press as Dickinson to support the popular cause. Latterly, however, his writings had grown less frequent, and Adams, solicitous that the subject of Parliamentary supremacy which had been raised in Massachusetts should also be discussed in the other Provinces, now wrote to Dickinson for the double purpose of engaging his powerful pen on that point, and to establish a somewhat more familiar relationship between them than that of merely hearing each other mentioned by mutual friends. There was a wide difference between the two men: both were ardently devoted to American liberty; each was recognized as the ablest writer in his section of the continent, and each commanded public respect by his unaffected piety and love of justice. But while the most cherished wish of Adams was the total independence of his country, Dickinson, who for some time influenced Pennsylvania through the general admiration of his character, shrunk from such a thought, and longed for nothing more than conciliation. Adams was acquainted with poverty and the humble in life, and had reached eminence among his townsmen by mingling with public affairs and personally leading in political measures. Dickinson, surrounded by wealth, and enjoying leisure to cultivate his scholarly tastes, was without physical vigor, loved repose and retirement, and was fearful of precipitancy in the measures of the New Englanders.

"The one, with his inflexible will and ceaseless energy, never lost sight of his purpose, and yet constantly tempered his zeal with a

sagacious appreciation of the character of the people and the circumstances of the time; the other, with an organization not more sensitive than that of Adams, had nothing decisive in his composition, and lacked the power which constitutes a leader. Yet the two men had, each in his own particular sphere, exceeded all others in creating public opinion. Adams saw that if he could induce Dickinson to commence writing on the subject of the late controversy, the name of the author would command general attention, and Dickinson would stand committed to the position taken by the Massachusetts legislature, thus leading the way to the adoption of the same doctrine by the Pennsylvania Assembly. The correspondence, which has been preserved, is as follows:

"BOSTON, March 27, 1773.

"SIR,—I take the liberty of enclosing an oration delivered by Dr. Benjamin Church on the anniversary of the 5th of March, 1770, which I beg the favor of you to accept.

"The proceedings of our General Assembly at our last session you may perhaps have seen in the newspapers. Our governor in a manner forced the Assembly to express their sentiments of so delicate though important a subject as the supreme authority of the Parliament of Great Britain over the Colonies. The silence of the other Assemblies, of late, upon any subject that concerns the joint interest of the Colonies, rendered it somewhat difficult to determine what to say with propriety. As the sense of the Colonies might possibly be drawn from what might be advanced by this Province, you will conceive that the Assembly would have chosen to be silent till the sentiments of at least gentlemen of eminence out of this Province could be known; at the same time that silence would have been construed as the acknowledgment of the governor's principles and a submission to the fatal effect of them. What will be the consequences of this controversy time must determine. If the governor entered into it of his own notion, as I am apt to believe he did, he may not have the approbation of the ministry for counteracting what appears to me to have been for two years past their favorite design, to keep the Americans quiet and to lull them into security.

"Could your health or leisure admit of it, a publication of your sentiments on this and other matters of the most interesting importance would be of substantial advantage to your country. Your candor

will excuse the freedom I take in this repeated request; an individual has some right, in behalf of the public, still to urge the assistance of those who have been heretofore themselves its ablest advocates.

"I shall take it a favor if you will present the other enclosed oration to Mr. Reed, whom I once had the pleasure of conversing with in this place, and to whom I would have written by this unexpected opportunity, but am prevented by the hurry of the bearer.

"I am, sir, with sincere regard, your most humble servant,

"SAMUEL ADAMS.

"JOHN DICKINSON, ESQ., Philadelphia.

"Upon what other occasion they had corresponded is not known, unless he refers by this 'repeated request' to the vote of thanks which Boston, in April, 1768, had sent to the author of the 'Farmer's Letters' by the hand of Samuel Adams.

"Dickinson immediately replied:

"FAIRHILL, NEAR PHILADELPHIA,
April 10, 1773.

"DEAR SIR,—I return you my hearty thanks for your favor of the 27th of March, which has just come to my hands, and for the enclosed oration.

"I have seen with the sincerest pleasure the proceedings you mention. They are greatly approved, even by those who, by a strange combination of events, are affected with a political lethargy. The firmness, temper, and wisdom of your Assembly are acknowledged to do them honor. May the same zeal, united with the same knowledge, still govern the conduct of your truly respectable Province, till time shall ripen the period for asserting more successfully the liberties of these Colonies, that thereby they may be kept on the watch to seize the happy opportunity when it offers.

"My heart is devoted with the most ardent affection to the interests of my countrymen. I join in their opposition to the encroachments of Great Britain from two motives,—a love of liberty and a love of peace,—for I am convinced in my own mind that no solid, permanent tranquillity will be established in America until they attain '*placidam sub libertate quietem.*'

"But, sir, though these are my sentiments, I must beg you will please to excuse me from enlarging on them in any publication.

"I never had that idea of my abilities or learning to suppose that

anything that I could offer to my countrymen could merit their attention after the same subject had been discussed by another person. I never took up my pen as a volunteer, but always as a man pressed into the service of my country by a sense of my duty to her; and though for a little while I may have endeavored to maintain a post, yet it has only been till a better soldier could come more completely armed to defend it.

"The cause is in excellent hands. May Heaven prosper their worthy efforts. . . .

"I am, sir, with the strictest esteem,

"Your very humble servant,

"JOHN DICKINSON.

"SAMUEL ADAMS, ESQ."

Whatever may have been the services of Mr. Samuel Adams as a revolutionary leader, it is very clear that he lacked one quality which is usually reckoned essential in a person claiming such a position,—a spirit of moderation and conciliation. Not understanding Mr. Dickinson's temperament, he assumed to dictate to him the course he should pursue. When we consider their relative positions at the time, such an attempt appears presumptuous enough. With what calm and perfect dignity Dickinson rebuked this pretension is very observable in this letter. The truth is, no one out of New England could submit to the arrogance of a man who, at a time when it was necessary to conciliate all parties so that independence might be achieved, did not hesitate to call the Quakers of Pennsylvania, who bore their burdens without appealing to any one for aid, in a pamphlet addressed to them, "pigeon-hearted wretches" and "puling pusillanimous cowards."

Under these circumstances an appeal was made by Boston, not for sympathy only, but for material aid and

co-operation, in measures which would involve the good people of Pennsylvania in what they were old-fashioned enough to think the guilt of rebellion. On the 19th of May, 1774, Mr. Paul Revere arrived in Philadelphia as a messenger from Boston, the bearer of letters from Messrs. Samuel Adams, John Hancock, and Thomas Cushing to Messrs. Reed and Mifflin, in which the sympathy and co-operation of this city and Province were invoked to protect them against the effect of ministerial vengeance. The private letters which he brought were even more emphatic and alarming in their tone. The writers assured their correspondents in Philadelphia that, unless that city joined them in their action, Boston was in no condition to make any opposition, and declared that their conduct in this crisis depended upon that of Philadelphia.[1] These correspondents, feeling that the opinion and counsel of Mr. Dickinson in this exigency would be most valuable, and that his presence at the public meeting which it was proposed to hold was essential if any active proceedings against the ministerial tyranny were to be adopted, determined to visit him at his country residence, Fairhill. These gentlemen were all intimate personal friends of Dickinson, and no greater proof could be given of the extraordinary power which he then wielded than that they should all have instinctively turned to him to solve the question of the fate of a continent.

On their arrival at Fairhill they tried hard to induce him to be present at the meeting which had been convened to consider the Boston message, and to say a few words in order to encourage the people there to

[1] See the statement of Charles Thomson, Appendix II.

persevere in the course they had seen fit to adopt. Dickinson was evidently fully conscious of the responsibility of the position which he occupied, but declined, as he had done before, to say anything which might seem like approval of their violent measures, although he expressed deep sympathy with them in the trouble in which they had become involved. Nothing could induce him to go further,—not even "the generous circulation of the convivial glass," which Mr. Reed tells us was tried, as a "conversational aperient." The wine failing to make him more "animated, communicative, and adventurous," flattery was next tried, and he was told that it was owing to the "Farmer's Letters" and his example that there was a present disposition to oppose the tyranny of Parliament. Dickinson remained immovable. He could not be brought to approve the Boston measures, because their violence had destroyed all hopes of the success of his favorite policy of conciliation. He was equally opposed to submission and to resistance by force, at least for the present. He preferred to wait until the people should show that they had well weighed the consequences of resistance and were in some measure prepared (which so far they had not shown) to abide by them. With these views he at last consented to attend the meeting at the City Tavern on the 20th of May. He made a short speech, in which he confined himself to expressions of sympathy for the people of Boston, and to advising a request to the governor to convene the Assembly of the Province to take into consideration the grave condition of public affairs.

An answer of a friendly kind was at once drawn up

by Dr. Smith (the Provost of the college) to the Boston letter, Mr. Dickinson not being present. The people there were told that while it was felt that Boston was suffering in the common cause, yet it was the opinion of the Philadelphia meeting that if this unhappy controversy could be ended by paying the East India Company compensation for the tea which had been destroyed, it would be advisable to take that course.

As this meeting had important consequences, it may be well to give an account of it sent by an eye-witness —Edward Tilghman—to his father in Maryland, in a letter dated May 26, 1774. Mr. Tilghman was the son of the Hon. Edward Tilghman, of Wye, in Maryland; the nephew of Matthew Tilghman, who was the president of the Maryland Convention, and of James Tilghman, the secretary of the Province and councillor; the cousin of Colonel Tench Tilghman, the favorite aide-de-camp of Washington, and of Judge William Tilghman, for many years Chief Justice of the Supreme Court of Pennsylvania. He himself was in 1776 a private soldier in one of the regiments of the Philadelphia Associators, and afterwards brigade-major to Lord Stirling at the battle of Long Island. He became in after-life the most distinguished lawyer of his day, in the opinion of the late Horace Binney.

"In regard to the meeting at the City Tavern, Mr. Reed, a rising lawyer who came among us from New Jersey, made a motion to address the governor to call the Assembly, that we might show our inclination to take every legal step in order to obtain redress of our grievances. He was seconded by Mr. Dickinson. It is agreed on all hands that he spoke with great cool-

ness, calmness, moderation, and good sense. Charles Thomson, as well as Reed, was more violent. He spoke till he fainted, and then went at it again. They were opposed by Alexander Wilcocks and by Dr. Smith, but upon a division the motion was carried by a vast majority. The sense of the people is evidently in favor of the measure. The governor was quiet in the tea affair. He did not attempt a landing of the tea, or give the ministry any intelligence in the matter. For this he has received an exceedingly severe letter from Lord Dartmouth, a letter, I am informed, pressing him so closely that it was very difficult to answer. Government is watching every opportunity of taking away our charters. Those with whom I have talked are for paying for the tea, protesting that they do it because they cannot help it, and for entering into the most firm and decent association against consuming articles that have paid the duty."

The letter of Dr. Smith's on behalf of the Philadelphia meeting, showing so little of the kind of sympathy which had been expected in Boston, is said by John Adams to have been "coldly received" there. One immediate consequence was apparent. John Dickinson, who had not been consulted about the letter, but whose sentiments it certainly did express, had long been almost as much of a popular idol in Boston as he was in Philadelphia, but he soon ceased to have any worshippers. Samuel Adams alone pleaded the cause of his old friend. With a manliness which did not always characterize him, he insisted, "After all, the Farmer is right: at the present crisis submission or resistance would prove equally ruinous to the cause." But

apparently he stood alone. Dickinson was dethroned from the conspicuous shrine he had occupied in the temple of the Sons of Liberty, and his name has been rescued from forgetfulness in that part of the country only by the bitter taunts which the recollection of his counsel to "pay for the tea" has forced the New England writers to cast upon his memory.[1]

The Philadelphia committee, whose letter had fallen so far below the expectation of the people of Boston, were not inactive in taking such measures as they thought the condition of the country required. During the summer of 1774 the population of the city, with John Dickinson at their head, were engaged in organizing resistance, should such resistance become necessary.

[1] The different course pursued in Philadelphia and in Boston on the arrival of the tea-ships furnishes a strong illustration of the difference in the two communities. The agents of the East India Company and consignees of the tea in Philadelphia were Messrs. Thomas and Isaac Wharton, Quakers, be it remembered, but good patriots in their opposition to the Tea Act. This is the account they give to their correspondents concerning the attempt to land the tea here, under the date of December 27, 1773: "At ten o'clock on the morning of the 27th, a very numerous meeting of the inhabitants determined that the tea should not be landed, and allowed Captain Ayres till next day to furnish himself with provisions, etc., on condition that his ship should depart from her then situation and proceed down the river, some of the committee going down to the ship with Captain Ayres, in order to see the first step performed, which being effected, he returned to the city. T. and I. W. with I. B. offered to advance Captain Ayres such a sum of money as he should need. . . . Thou wilt observe that as the ship was not entered in our port, no part of the cargo was unloaded, either the property of the Honorable East India Company or that of any private person, and, as I find that my brother Samuel (in London) had caused a chariot to be shipped on board, it naturally returns with the other goods," etc.

News having arrived in the beginning of June of the passage of two additional acts of Parliament intended still further to harass the people of Boston, a public meeting was held in the State-House yard (eight thousand persons are said to have been present) on the 20th of that month, presided over by Thomas Willing and John Dickinson. The meeting took some bold steps, which became very important in the progress of the controversy. It not only declared the Boston Port Bill unconstitutional (that is, in excess of the ordinary legislative power of Parliament), but created a Committee of Correspondence with practical functions of great importance. This committee was to correspond and consult not merely with like committees in the other Colonies, but also with similar committees to be appointed in each county of this Province. These committees were to send delegates (conferees, as they were called) to a meeting to be held in Philadelphia on the 15th of July. These conferees met on the day appointed, and, considering themselves as the true representatives of the people of Pennsylvania, although very irregularly chosen and without the shadow of any legal authority, undertook not merely to instruct the legal Assembly, which was to meet in August, that they should choose delegates to the Continental Congress, but also to express what they supposed to be the opinion of the people of Pennsylvania, in the shape of instructions to these delegates on the momentous questions of the hour. In short, we must consider this Conference simply as a revolutionary body forced by an overruling necessity in the opinion of its members, who were among the most conspicuous and patriotic

men of the time in the Province, to adopt an extra-legal course. The chairman of this Committee of Correspondence in Philadelphia was John Dickinson; and when the Conference met, he, on behalf of that committee, presented three papers indicating the course which should be pursued at the crisis. These were unanimously adopted by the Conference, and they are spoken of by Ramsay, the historian, as the most "clear, precise, and determinate of any which had been presented during the controversy." The first was a series of resolutions embodying the principles upon which we rested our claims for redress; the second was a code of instructions[1] to the delegates who were to be chosen by the Assembly to represent the Province in the Continental Congress; and the third was an exhaustive treatise or essay upon the constitutional power of Great Britain to tax the Colonies, illustrating and enforcing

[1] In regard to the instructions given by the Assembly to the delegates to the Congress there has been some confusion. Mr. Galloway, in his examination before the House of Commons, told the committee that he drew up his own instructions. It is true that as Speaker of the Assembly he sent to each of the delegates a notice of his election, but he told them also that such would be the diversity of subjects in Congress that no specific instructions could be given, except that the union of the Crown and the Colonies was to be maintained. The real and binding instructions (so far as any instructions could be binding) had been prepared by Mr. Dickinson at the request of the Conference of July 15. They were very elaborate, both as to the election of the delegates and as to their duties, and they were adopted by this extra-legal body because it was felt that an Assembly so completely under the control of a man of the well-known royalist sentiments of Mr. Galloway could not be trusted either to elect such delegates to the Continental Congress or to give them instructions such as the public sentiment of the time demanded.

the doctrine of the resolutions and the instructions to the delegates.

There is not a word in these three masterly state papers justifying our resistance on any other ground than that the conduct of the ministry was a gross violation of English law and of our charters. The truth is, they were simply the embodiment of the views which Dickinson, with the vast majority of the inhabitants of the Colonies, had held from the beginning. His course was in strict accordance with the precedents of English history. He looked to the past for his justification; the statesmen of New England trusted to the future more than he did, and their actions were guided rather by faith than by experience. In other words, Dickinson's method of conducting a revolution in these Colonies was formed, as were most of his political ideas, from English example and tradition,—from movements such as those embodied in the Petition of Right of 1628, in the Declaration and the Act of Settlement of 1688, and in the revolt of the Netherlands against the illegal acts of the King of Spain. In New England, and in Massachusetts particularly, the leaders anticipated in a certain degree the course of events in the early history of the French Revolution. Their object seems to have been to reduce certain abstract principles of right and justice to the government of man in civil society, without regard to those historical traditions which are the real basis of what is permanent and valuable in any system. John Adams, in a letter which he wrote to Governor McKean, July 6, 1815, just before the final downfall of Napoleon, expresses the views which he then entertained on this subject, and

there is reason to believe that they are practically the same as those which he and his partisans held when the first Continental Congress met, in 1774. "The present question," he says, "before the human race, that great democratical tribunal, is whether the *jus divinum* is in men, or in magistrates; in human nature, or in instituted offices; in human understanding, or in holy oil; in good sense and sound morality, or in crowns, sceptres, crosses, and Episcopal and Presbyterian ordination." Unfortunately, these are questions not to be settled by any debating society, large or small, by whatever name it may be called. It happened, strangely enough, that they had been settled in Europe for long years by the only method which history recognizes as capable in the last resort of controlling man's action, and that is force. The battle of Waterloo, which occurred three weeks before this letter was written, but the news of which had not reached the venerable sage who wrote it, and which decided the fate of Europe for generations, was the answer given to a faith which maintained that human governments are the outgrowth of man's choice, rather than of his history, over which he has no control.

The resolutions adopted by this Conference, the instructions of the delegates to the Congress who were to be chosen by the Assembly, and the essay upon the power of taxation, form parts of a general political system first formulated by John Dickinson, and adhered to by him and his followers of the historical school up to the time of the Declaration of Independence. They present in the clearest manner an outline of the case of the Colonies in accordance with the theories of that

school, as they no doubt embodied the nearly unanimous opinion of the country outside of New England on this subject. The theory of government on which they were based was deliberately and finally rejected when the Declaration of Independence was adopted. How it happened that such a theory became wholly discredited in the course of events is a subject of inquiry full of historical interest, and one which well deserves the careful scrutiny of those who would trace the progress of the American Revolution.

CHAPTER V.

THE CONTINENTAL CONGRESS.

THE summer of 1774 seems to have been an era in government-making. It is curious to observe how this tendency appears in the correspondence of prominent men of the time which has not been printed. It seems that the scheme which was first proposed by Dickinson to his fellow-members of the Provincial Committee of Correspondence was vigorously debated in the private meetings of the committee, at which, in order to obtain an expression of opinion which could be depended upon, the representatives of six of the religious denominations of the city were invited to be present. The original draft was doubtless much modified to meet the views of these persons, but exactly in what respect it is not easy to say. We find in the letter-book of Thomas Wharton, a prominent Quaker, one of the principal merchants of the city, and agent here, as has been said, for the East India Company, a letter dated July 5, 1774, written by him to Thomas Walpole, in which he says, "Hence thou seest the probability of an American Union taking place; and I dare say thou wilt join with me in believing that it would be happy could our parent State assist us in thus establishing a constitutional union between her and us; she to appoint a supreme magistrate to reside on the continent, who, with a fixed number taken from each

House of Assembly, should form an upper legislature to control the general affairs of the continent. The intention of this Congress is to endeavor to form a constitutional plan for the government of America, dutifully to petition and remonstrate, and, if possible, to point out such heads that we may unite with the mother-country upon a constitutional union."

These were the views of a man who was an ultra-conservative of the time, and substantially they are the same as those embodied in the scheme afterwards proposed by Galloway. Wharton was one of the Quakers who some years later were exiled to Virginia because their presence at their homes was considered dangerous to the patriot cause on the near approach of the British army to the city after the battle of Brandywine; and yet we find him not only advocating a certain form of union between the Colonies and Great Britain which would establish a very different relation from any that had previously existed between them, but actually supposing that the English government could be induced to approve of such a scheme. The feeling then was that a closer and not a looser union was the true remedy for the evils from which we suffered.

At last the Conference adopted the papers as we now find them in print. They were transmitted to the Assembly of the Province of Pennsylvania, which met on the 22d of August, and there was evidently some apprehension as to the course which would be pursued by that body in regard to them. These fears, however, proved unfounded: the resolutions and instructions were unanimously approved by the Assembly, and on

the same day the following members were elected to represent Pennsylvania in the Continental Congress, —viz., Messrs. Galloway, the Speaker, Rhoads, Mifflin, Humphreys, Morton, George Ross, and Edward Biddle. These men were all well known in the Province, and had served it faithfully for many years.

Mr. Galloway, the Speaker of the House and the head of the delegation, was looked upon at that time as the great champion of popular rights. He had acquired this reputation from the active part he had taken in 1764 in the controversy with the Proprietaries, having drawn up the twenty-six resolutions in which the Assembly asserted that the Proprietary government had outlived its usefulness and prayed the king to resume his direct government over the Province. His activity at that time had endeared him to the country members, most of whom were under his control. The speech which he claimed to have delivered in the Assembly in support of this petition was said by Mr. Dickinson not to have been the one really made by him, and thus a quarrel was excited between him and Galloway which produced a permanent estrangement at a time when their co-operation would have been of great importance to the public service. Galloway is said to have been ambitious of representing the Assembly in the House of Commons, or in the Grand Council for which he had schemed, and to have forsaken the American cause when he found how vain were his hopes. He was a most brilliant lawyer,—at the head of the bar, indeed,—and few of the loyalists lost more than he did by taking the royal side; he himself estimated his losses at forty thousand

pounds. During the first session of the Continental Congress, however, few men went further than he in supporting the American claims, and in the absence of Dickinson (who had not been chosen a delegate because he was not a member of the Assembly) he wielded a great influence over the Pennsylvania deputation.

Mr. Samuel Rhoads was also a Quaker, known for his wealth and his public spirit. He had been in public life since 1741 as a member of the City Councils and of the Assembly, and as one of the negotiators of the famous treaty with the Indians at Lancaster. He was chosen mayor of the city while he was a member of the Continental Congress, and thereupon resigned his seat. He had been active in advocating the popular cause, so far as a Quaker could then go towards that end, but became a little timid as he considered some of the proceedings of Congress. He was a warm friend of Franklin, and was associated with him in the management of the Hospital, the Philosophical Society, and the Library.

Thomas Mifflin seems to have been the only one of the delegates who occupied from the beginning the place familiar to us in the history of all revolutions,—that of the "volunteer for the war." He was comparatively a young man at this time, but he had been long a member of the Assembly, and had been one of the most active of the opponents of the Proprietaries in 1764. He had the advantages of birth, wealthy connections, and education, and when the war broke out he was one of the first to offer his services. He was a major of one of the regiments at the siege of Boston, and showed such capacity in bringing his men into a state of disci-

pline and efficiency that he attracted the attention of General Washington. He was shortly afterwards made brigadier-general, and subsequently quartermaster-general. He was a man of the most determined and demonstrative patriotism, and when the recruiting fell off in Pennsylvania he made excursions through the State, making speeches in the principal towns, and succeeded by his appeals to the patriotism of the people in increasing considerably the numbers of the army at important crises. He was, unfortunately, associated with Generals Gates and Conway in the famous Conway Cabal, and his reputation has suffered in history from his efforts to supersede Washington. But his energy and ability during the war seem to have condoned his errors in the eyes of his contemporaries. He was elected a delegate to Congress in 1783, and was president of that body when General Washington surrendered his commission at Annapolis; he was also a delegate to the convention which framed the Constitution of the United States, President of Pennsylvania, and Governor under the Constitution of 1790. Apparently he took little part in the debates of the first Congress, but, when he did speak, he was always in favor of the most energetic measures. He was the first of the "new men" in Pennsylvania who occupied a conspicuous position.

Messrs. Biddle and Ross were lawyers of high reputation in the interior of the State, the first residing at Reading and the other at Lancaster. They were both men at this time of conservative views, and they had great influence with their country constituencies, each having been conspicuous for his opposition to the minis-

try. Mr. Biddle is spoken of by a contemporary as a man of "ready elocution, sound principles, and correct judgment," and Mr. Ross became a judge, with a high reputation for learning and integrity, in 1779.

Messrs. Humphreys and Morton were country gentlemen, or rather of the better class of farmers, living in the neighborhood of the city. They had both long been members of the Assembly, were familiar with the political questions of the time, and, although they took opposite sides in the quarrel, were recognized by all as sincere patriots.

It may be well to say here that the Pennsylvania deputation to the Congress was a good deal changed by the time the Declaration of Independence was adopted, and these changes serve as indications of the change of party feeling during the interval. Galloway was the first to retire, he, in January, 1775, making the state of his health an excuse for declining a service which to him appeared every day more hazardous. Rhoads found it convenient, as has been said, to give up Congressional honors when he was elected mayor of the city. Dr. Franklin was chosen at once as a delegate upon his return from Europe, in May, 1775. Mifflin's services were required in the camp before Boston. George Ross resigned his seat. In November, 1775, the following additional delegates were elected to fill these vacancies: Robert Morris, Thomas Willing, Andrew Allen, and James Wilson.

In looking over these names, those who are familiar with the history of Pennsylvania need not be told that the delegates elected in 1775 represented a much more conservative side of the question at issue than those

chosen in 1774. As the time drew nigh when independence became probable, two of these delegates, not thinking the time ripe for such an event, hesitated to take the irrevocable step of declaring independence, simply because it did not seem opportune in their opinion. In consequence, Messrs. Biddle and Andrew Allen retired from Congress in the spring of 1776. Mr. Dickinson, it should be said, was elected a member of the Assembly early in October to fill a vacancy, and on the 17th of that month was chosen by that body as an additional delegate to the Congress of 1774. The rest constituted the very flower of the moneyed and intellectual aristocracy of the Province, and upon them rested the responsibility of giving or withholding their assent to that document which may be said in a very important sense to have created a new world,—the Declaration of Independence.

Before considering the work of the Continental Congress which brought us safely through the Revolutionary war, and especially the policy which led to the early adoption of the Declaration of Independence, we must look at some of the formidable obstacles which stood in the way of success. It is perhaps not too much to say that when resistance was first spoken of, up to at least the outbreak of the war, no sentiment could have been more abhorrent to the mass of the people than that which the Declaration afterwards embodied. Even a suggestion that the dissolution of our connection with the British Empire would in any event be desirable would have been looked upon as monstrous. Outside all mere political considerations there were feelings, the force of which we can now understand

but little, which were then universal and all-powerful. There was the sentiment of loyalty, for instance, to the king and the constitution, a sentiment which, notwithstanding the shocks it had received in this country, was an ever-active principle, and had grown stronger and stronger every year in the inherited traits of the English character; there was, besides, that passionate love of country, inflamed just then by pride at the recent conquests of England on both continents; there was, in addition to all, that indefinable but strong feeling of race which gloried in belonging to the foremost nation of modern times. All these things may seem insignificant as moulding the opinions of men, yet they have been among the most potent agencies as stimulants to heroic action in all ages, and with people of English blood especially. In difficult times Englishmen have never forgotten the days of their proud history, and they were not likely to do so in the days of Clive, of Wolfe, and of the elder Pitt. It cannot be doubted that sentiments the outgrowth of conditions such as these were far more deep-seated among the Colonists previous to the outbreak of the war than the spirit of rebellion. The Colonies, besides, had then none of those intimate relations with one another which now, quite as much as the law itself, give us union and force in what we undertake. The mass of the population was, of course, British by birth or descent, but it was, in some of the Colonies at least, as in Pennsylvania, composed of different races, holding very different opinions in religion and government. Thus, in this Province, induced by the mildness of Penn's government, all nations had given one another rendezvous.

We had here English mixed up with Irish and Germans, Quakers with Presbyterians, and members of the various pietistic German sects of the seventeenth century, all enjoying what was promised them in Massachusetts,—*sub libertate quietem.* So in New York the antagonism between the mass of the population and the great landholders, between the Dutch and Scotch Presbyterians and the Church people, was felt more or less during the whole war, as it had been throughout the history of the Colony. In Virginia the Dissenters, as they were called, were ardent supporters of a revolution one of the results of which would be the suppression of their greatest practical grievance, the established Church of the Colony. In short, look where we will throughout the Colonies before the commencement of hostilities, we find discontent arising from a variety of causes, but no common ground of resistance. Indeed, this want of union in political and religious ideas had always been a characteristic feature of the history of the Colonies, and had made it very difficult to enforce any common policy.

The Colonies were also separated by differing habits, customs, tastes, and opinions, and all sorts of petty jealousies of one another and of the Crown. Many of these obstacles seemed insuperable, and it is well known that the British government was perfectly convinced that the Colonies would be helpless owing to these differences. These obstacles, as we have already hinted, seemed to all at that time to have their origin in differences which were fundamental and inalterable in the condition and the characteristics of the people inhabiting different sections of the country. The Puritan and

the Quaker, for instance, were not only persons of different temper, and of totally opposite views concerning the lawfulness of war, but they had radically different ideas as to the nature of government and the character and extent of the obligation which was imposed upon them by their allegiance to the Crown. The Puritan, although he was nominally the subject of a monarchy, had been in point of fact, certainly ever since he had come to New England, and probably long before, essentially a republican, always holding fast, in spite of kings and charters and mandamuses, to the fundamental principle of republicanism, that of self-government. He was an Independent in religion, which implies that he insisted upon a system of self-government in his ecclesiastical as well as in his civil relations. Moreover, he felt in its acutest form that jealousy of power which has always been characteristic of the Englishman in history when any attempt from any quarter has been made to assert arbitrary principles of government. He was not disposed to wait and see whether any overt acts would follow the avowal of such principles, and especially he did not stop to consider whether he himself was likely to suffer from such acts or the principles upon which they were based. *Obsta principiis* was his motto.

The Quakers, on the contrary, were essentially a law-abiding people, patient and long-suffering, and not prone to anticipate evil. None had suffered more than they in history from the abuse of power, but their religion and their experience alike taught them that passive resistance to wrong, as they manifested it, was alike their duty and their best policy. They believed

literally that all things come to those who wait. They were, therefore, not restless nor noisy nor quarrelsome, and believed fully that the force of time and the influence of reason would bring about a redress of the grievances from which they had suffered. They had maintained their existence and their peculiar doctrines under all forms of tyranny and without relying upon the arm of flesh for support. The very first principle of the Quakers, indeed, was a loyal submission to the government under which they lived, so long as it did not openly infringe their civil and ecclesiastical rights. With this sentiment was joined another equally strong and powerful as a guide to their conduct, and that was a profound conviction of the value of liberty of conscience, for the security of which they had contended in their own way from the beginning. To maintain this freedom of conscience they were ready to make any sacrifice, and hitherto these sacrifices had produced abundant fruit. Still, with this love of liberty, civil and religious, fully as strong as that of the Puritan, the Quaker was never clamorous in asserting his rights. He was long-suffering, and persistent in his opinions, but kept his temper even when he was threatened with immediate and irreparable injury. There was, indeed, a point (as shown in the history of the Province) when he could resist. When he found, for instance, that the Proprietaries in Pennsylvania were unwilling that their lands should be taxed in the same manner as those of other people, he persisted for years, and as long as there was any hope of accomplishing his object, in a constitutional opposition to such a pretension; and finally he did not hesitate, as a last remedy against this

flagrant injustice, to petition the king to revoke that charter which had been granted to William Penn and which had hitherto been priceless to him as a testimony of the king's government to the confidence felt in the Quakers, and under which the Province had enjoyed such wonderful prosperity. So when the governors under the Proprietaries insisted that the Quakers should render compulsory military service, they could never be induced to violate their principles by serving as soldiers, but they never hesitated, justifying themselves by some strange casuistry, to vote money to provide for the defence of the Province. They would not declare war against the Delawares and Shawanees, feeling that these Indians had been goaded on to the outrages they committed on the frontiers by the injustice and rapacity of the agents of the Proprietary government, but they did not hesitate to defend with arms in their hands the Moravian Indian converts who had taken refuge in Philadelphia from the fury of the Paxton Boys.[1] In short, Pennsylvania for the practical purposes of government—that is, for the protection of all its subjects —was in a very disturbed condition from the beginning of the French War, in 1755, to the end of Pontiac's War, in 1766. The discussions about the revocation of the charter, the constant complaints that the representation in the Assembly was unequal, and the cruel sufferings which had been undergone by the settlers on the lands west of the Susquehanna at the hands of the Indians, —all these evils, which were charged upon the party that was dominant when the Revolution began, seemed

[1] See Appendix III.

to render any united action among the people, for any purpose, wholly impracticable.

In New England no such dissensions existed. The force of the people there was immeasurably increased by the common recognition of the traditions of English liberty as a precious inheritance. With the blood of the Puritans they had preserved in full activity those political ideas which had led their forefathers to withstand so manfully the tyranny of Strafford and of Laud. It is a fact of immense importance, in estimating the force of the various Colonies in the war of independence, that in New England there was practically a unity of sentiment not only as to the nature of the grievances, but also as to the best method of redressing them. As for the Germans of Pennsylvania, living in the interior, engaged chiefly in farming, and kept by their ignorance of the language of the country from any very accurate knowledge of the alleged wrongs of which their fellow-subjects complained, or of the wisdom of the measures proposed to remedy them, their influence in the Province was not to be measured by their numbers. They suffered nothing from Stamp Acts or Smuggling Acts or Boston Port Bills, and they could not understand the earnestness with which the claim to impose taxation upon Englishmen was opposed, for in such matters they had neither knowledge nor experience. Their predominant feeling, if we are to regard the great patriarch of the Lutheran Church in this country, the Rev. Henry Muhlenberg, as their representative, was gratitude to the Quakers and their government, by which so many of the blessings of liberty and peace unknown in their Fatherland had

been secured to them. Of course, such was their attitude only before the outbreak of hostilities; for after the war broke out no portion of the population was more ready to defend its homes or took up arms more willingly in support of the American cause.

It would be, however, very unfair to judge of the character of the opposition in Pennsylvania to the ministerial tyranny from the cautious and conservative attitude of the Quakers alone. Long before any one dreamed of war as the *ultima ratio*, all classes of people in every provincial party here, Quakers as well as Presbyterians, Germans, and Church-of-England people, had joined together in protesting against what all conceived to be acts of arbitrary power. The measures of opposition which they adopted at that critical time were similar to those agreed upon in the other Colonies. Thus, all classes in Pennsylvania, resistants and non-resistants alike, under the guidance of men who afterwards became conspicuous both as loyalists and as patriots, remonstrated with one accord against the Stamp Act and the Tea Act, the Boston Port Bill and the other measures intended to punish the town of Boston; they all signed the non-importation and non-exportation agreements; they all petitioned the Crown that the right of self-government should be guaranteed; they declared their determination to maintain the fundamental rights of the Colonists; they warned the ministry that armed resistance would be made to further encroachments; they did not hesitate to vote for raising men and money for the defence of the Province after the battle of Lexington; and yet, with all this, they never ceased to hope that

some peaceful settlement of the dispute might be made and that no separation from the mother-country would take place. It is easy to say now that they were mistaken in believing that England would at last consent to govern them as she had done previous to 1763; but the man who maintained the opposite theory in 1776 would have argued against the force of every precedent in English history. At any rate, the course that was taken by the dominant party in Pennsylvania was not settled by the power of the non-resistant Quakers, and still less by the force of an irresistible popular clamor: it was deliberately taken under the guidance of thoroughly enlightened and patriotic men, whose studies and training had led them to discover in English history how and why their race had resisted oppression.

Nothing contributed more to produce confusion in the counsels of the leaders in the beginning of the Revolution than the different character and political training of the delegates from different sections of the country. It is, indeed, hard to conceive how the national cause could have been successfully promoted at all, when the men who were its champions were affected by so totally different an environment and had such opposite notions of the remedy. The line was drawn so distinctly between the parties that no compromise seemed possible, and the only question was which should have exclusive control of the destiny of the country. Strange to say, everything seemed to combine to keep apart those who professed to have the same object in view. Before the Massachusetts delegates to the Congress of 1774 reached Philadelphia,

it was the habit of those opposed to the popular cause, both here and in Boston, to speak of them as needy adventurers or lawyers seeking for notoriety, or as persons whose reputation and fortune had become compromised by attempts to defraud the customs' revenue. Whatever truth there may have been in these stories, they had, as we shall see, their effect so far as the influence of these gentlemen in Congress was concerned. But in Pennsylvania, however lukewarm some may have thought the patriotism of her delegates, no one before the Declaration of Independence was adopted supposed for a moment that private interest or personal ambition was a motive which led any one of them to espouse the popular cause. They were all men whose position, reputation, and fortune were firmly established at the outset of the Revolution, and in these respects they had everything to lose by becoming popular leaders at such a crisis. John Dickinson, at their head, was at this time, as we have seen, a man of mature years, of as high a rank as could then be reached by a Colonist, of large fortune, and of a professional reputation that made his name known throughout the continent. His private interest, selfishly considered, was to support the ministry, and we cannot doubt that his influence on that side would have been purchased by the highest rewards which the royal government had to bestow. In that path only, as it then appeared to a man like Galloway, was the prospect of promotion and advancement; but the earnestness and depth of Dickinson's convictions concerning the ministerial pretensions were such that he did not hesitate to obey the dictates of his con-

science, to sacrifice even his loyalty to his king (which in him had been a sentiment of intense earnestness), and to abandon his friends who differed from him, many of whom had given him their warmest sympathy and support from his early manhood.

If further justification of the course persistently pursued by Pennsylvania and the leaders here is needed, it is to be found in the peculiar position of the Province during the ten years preceding the Revolution. The population here, although greater than that of any other of the Colonies except Virginia, was, as we have seen, of a composite order: one-third were said by Dr. Franklin to have been English Quakers, one-third to have been Germans, and the other third to have been made up of a variety of races, chief among which were the Scotch-Irish Presbyterians. This difference in races and religion was, as we have shown, the first great obstacle to unity of political action. There had been a bitter contest, prolonged through many years, between the friends and the opponents of the Proprietary government; on each side of this question were arrayed the most prominent public men of the Province. The Quakers as a body had forsaken the Proprietary party, and, although they returned to the support of the charter when they discovered what sort of constitution the popular party proposed to substitute for it, yet they soon became divided on other grounds. The Scotch-Irish Presbyterians, as was to be expected, were most ardent in their opposition to the ministry, for they remembered only too well the tyranny from which their ancestors had suffered in their native country, which had destroyed the woollen industry in Ireland, and the

shocking attempt which was made to disqualify them from holding there any office unless they had subscribed the religious test of that day. They had here, as inhabitants of the frontier settlements, a peculiar grievance, a long-standing quarrel with the Quakers, who controlled the Assembly, and who, they alleged, had refused, in consequence of religious scruples, to protect them from the attacks of the French and Indians: hence the sympathy between these two sections of the population was not remarkably warm or active.

The New England delegates found on their arrival in Philadelphia, in September, 1774, that the rumors which they had heard that the people in this part of the country did not favor independence were well founded. Not only did the Quakers seem cold, but others also conspicuous in public life, Yet they were politely received by all. Those who then composed what was called the society of the place formed, it must not be forgotten, an array of men distinguished in public and private life such as could be found at that time nowhere else on the continent. Among the more prominent of these were the Pennsylvania members of the Congress, Messrs. Dickinson, Wilson, Morris, Willing, and Humphreys,—the first, as we have said, with a reputation as a statesman already continental, the second probably the most eminent jurist of his day, and the third, with his partner, Thomas Willing, a member of one of the largest mercantile firms in America at a time when the term "merchant prince" had a significance which it has now lost. Besides, among the prominent lawyers were the Chief Justice, Chew, Edward Tilghman, William and Andrew Allen, McKean,

Reed, and Galloway,—all bred in the Temple, and all having imbibed there the traditional English view of the public questions at that time under discussion. There were, too, eminent physicians and men of learning who added to the social attractions of the place: Morgan, Rush, and Shippen, father and son, who had founded the first medical school on this continent, which even then gave promise of its future renown; Provost Smith, regarded by his contemporaries as a prodigy of learning, and spoken of even by John Adams as "very able;" Rittenhouse, the greatest natural philosopher of the time, according to Jefferson; and Vice-Provost Allison, regarded by President Stiles of Yale College as the best classical scholar of his day in this country. These men all discussed the burning questions of the hour in a large and comprehensive spirit; and doubtless the society of such men, reinforced as it then was by that of the delegates from the other Colonies, must have taught the New England delegates many things which they needed to know, if harmony of sentiment throughout the country was to be reached. The impression produced on the minds of the delegates by their intercourse with the enlightened men they met at Philadelphia was not, if we are to judge by their correspondence and their diaries, a very favorable one. They were quick enough to see that their political opinions were associated in the minds of those they met not merely with the pretensions of a narrow and levelling Puritanism, but also with the encouragement of lawless and disorderly acts. The Committees of Safety, the "Sons of Liberty," the caucus, and various other devices which New

England had invented for rousing and organizing the passions of the multitude, although shortly to be introduced here, were then regarded by the sober, conservative, and law-abiding people of this part of the country as forms of mob violence, and as such these political manifestations were extremely distasteful to them. The truth is, our people had not then been educated in revolutionary methods, and, Quakers as they were, they could not appreciate the value of that "higher law" which was invoked as their guide.

The Continental Congress met at the Carpenters' Hall in Philadelphia on the 5th of September, 1774, fifty-five delegates being present, representing twelve Colonies,—Georgia having sent none. In a body so loosely jointed together the first condition of strength and vigor was the vital union of all its parts. In this respect there was much left to be desired, as became more and more apparent during its sessions. In one thing only all were agreed, and that was that they were all suffering from an intolerable common grievance. But as to the best mode of securing redress, opinions vibrated between the scheme of Galloway (which, far from being original, had been long known and advocated by many of the most prominent Quakers), which looked to a closer union with Great Britain under new conditions, and that of absolute independence, which was the theory of Samuel Adams and his friends. Between these two extremes there were many schemes to secure a return to harmony strongly urged by their authors, the discussion of which served only to create confusion and dissension in the Congress. This, of course, was in addition to the disturbing causes to

which we have referred arising from differences of race, habits, and interests, and environment generally. A strong test of the patriotism of the delegates was found in the willingness of each to subordinate for the moment his favorite theories to the plan which would gain the common consent and could be presented to the world as a united expression not only of the discontent of the Colonies but of the appropriate remedy. On the whole, the delegates bore this test pretty well, and the result of their united deliberations is expressed in some of the noblest state papers in the English language. As Daniel Webster said of them, speaking to young men, "If you want to love your country, master the contents of these immortal papers, and become imbued with their sentiments." In the interest of harmony in the Congress, unity of expression, if not of sentiment, was regarded as absolutely essential to any hope of redress. The delegates from Massachusetts, who, there is reason to believe, came here with an intense desire for independence in their hearts, were warned not to allow their wish to pass their lips. Before their arrival they were told by men of their own party here, such as Mifflin, Bayard, and Rush, that if they talked of independence in the Congress they would destroy their influence. Whatever they may have thought, they were wise enough to keep their thoughts concealed. Every precaution was taken, by closing the doors of the hall and pledging the members to secrecy, lest the public should suspect that there was any want of harmony in the deliberations of the delegates.

The advice given to Mr. Adams and his colleagues

on their arrival does not seem to have been thrown away. "We have," he writes to William Tudor about this time, "numberless prejudices to remove here. We have been obliged to act with great delicacy and caution. We have been obliged to keep ourselves out of sight, and to feel pulses and to sound depths; to insinuate our sentiments, designs, and desires by means of other persons, sometimes of one Province, and sometimes of another." The other extreme party, that of Mr. Galloway, was not so prudent. Notwithstanding all that has been said to Galloway's discredit, there is no evidence that he was at this time a hypocrite and villain, as it has been customary to represent him. He called himself a Whig, and he was strongly opposed to the ministry but thoroughly loyal to the Crown. He thought, with many of the best people in the Middle and Southern Colonies, that what was most needed was a closer, not a looser, union with Great Britain. He therefore proposed a scheme which provided for the appointment of a President-General, as he called him, who should be appointed by the English government, and who should be assisted by a council made up of a certain number of persons chosen by the Assembly of each Colony. Certainly there was nothing treasonable or unpatriotic in this proposition, and although it received, according to Mr. Adams and to Mr. Galloway (in his examination before a committee of the House of Commons), the votes of five out of twelve Colonies, the proceedings concerning it were expunged from the journal as if they had never taken place. The only party in this famous Congress which acted openly and honestly was the Whig or Constitutional party, led by

Mr. Dickinson. It knew exactly what it wanted, the repeal of the laws violating the rights of the Colonies since the treaty of 1763, and it asked for that repeal by the method which it had always been taught was the constitutional one,—viz., by petition and remonstrance. The moderate party controlled the Congress, and by the moderate party is meant that which agreed with General Washington in the opinion which he expressed in a letter written on the 9th of October, 1774, to Captain Mackenzie, "No such thing as independence is desired by any thinking man in North America," and in that of John Adams of the same date, "If it is the opinion of any that Congress will advise offensive measures, they will be mistaken."

The Congress refused alike to listen to any alleged violations of the "law of nature," or to favor the system of federation suggested by Galloway. Having settled exactly the grounds of complaint, it set forth a "Declaration of Rights" of the Colonists, following the English precedent when William and Mary were called to the throne in 1688. It agreed upon a "Petition to the King," in which it asserted in the most positive manner the loyalty of his American subjects, but insisted upon the observance of their fundamental rights as Englishmen. It asked more especially that eleven Acts of Parliament, or parts of them, which violated those rights, should be repealed. It issued addresses to the English people, and to the inhabitants of the newly-acquired Province of Quebec, in which the position and intentions of the Americans as loyal subjects were carefully defined. It agreed upon an "Association" and a non-importation agreement, by which the subscribers

bound themselves neither to import nor to use English goods until their grievances were redressed. All these resolutions were adopted with striking unanimity. Then came Galloway's proposition concerning federation, which was rejected.

It will be understood that during the session of Congress the condition of Boston, which was that of a "state of siege," must have painfully preoccupied the minds of the members, as it was indeed the immediate cause of their meeting. Doubtless Congress felt that some special expression of sympathy, framed in the strongest terms which they could employ consistently with their declarations of loyalty to the king and their desire for reconciliation which they had just professed in their Declaration of Rights and in the Petition, should be made. Instead of adopting expressions on this subject couched in the same sober, dignified, and statesmanlike language as had been employed in the other documents, Boston's own statement of her case, made in the most passionate and inflammatory language, in what were called the "Suffolk Resolutions," was approved. Being surprised on the 10th of October by some alarming rumors that hostilities had already begun there, Congress on that day resolved (though not unanimously), "That this Congress approve the opposition of the inhabitants of the Colony of Massachusetts Bay to the execution of the late acts of Parliament, and if the same shall be attempted to be carried into execution by force, in such case all America ought to support them in their opposition." When this resolution was offered, the delegates from Pennsylvania feared that if it should pass it would shut the door to all hope of

reconciliation. There was a strong feeling among them that the Province was being prematurely dragged into a war which they could not approve, and to which not only their constituents but the people in the Middle and Southern Colonies generally were wholly opposed. George Ross, one of the Pennsylvania delegates, had the boldness at this juncture to propose that Massachusetts should be left to her own discretion in matters of government, and Galloway seconded his motion; but the feeling of sympathy for Boston was so strong and sincere that the proposition was defeated.

This was the vote which more than anything else hardened the heart of George III. in the beginning of the contest, and made him doubt the sincerity of all the professions of loyalty which were made in the Petition and the other papers adopted by Congress. Indeed, there is an inconsistency in attempting to reconcile a determination to aid persons with an armed force who are in rebellion against the king with professions of loyal attachment and obedience to that king. It has been said that this vote was the result of a false alarm of an attack upon Boston. On the 10th of October, the day on which it was adopted, Congress wrote a letter to General Gage, who was in command there, complaining of his supposed acts. On the 20th, General Gage replied, "Not a single gun has been pointed against the town; no man's property has been seized or hurt except the king's; no troops have given less cause for complaint, and greater care was never taken to prevent it; such care was never more necessary from the daily insults and provocations given both to officers and soldiers. The communication between the

town and the country has always been open and unmolested, and is so still."

Although the full effect of the conciliatory policy adopted by the Congress in the addresses and declarations which it issued was somewhat marred by this unlooked-for *contretemps* of a supposed attack upon Boston, these papers still remain among the most memorable and instructive documents of our history. The true American feeling at that time is to be gathered from them, and not from the sayings and doings of panic-stricken Boston. Not one of them, it is believed, was prepared by a New England member. The address to the people of the Colonies was written by Richard Henry Lee; that to the other inhabitants of British America, and the Declaration of Rights, by Mr. Jay.

Mr. Dickinson was a member of the Congress of 1774 scarcely more than a week, having taken his seat on the 17th of October, and the Congress having adjourned on the 26th. He had been elected a member of the Assembly of the Province in the beginning of October, and was shortly afterwards chosen as a delegate to the Congress, having been up to this time excluded, as he always thought, by Galloway's influence. During his short membership he left an ineffaceable mark of his influence upon its records. It was he who wrote the most memorable paper adopted by the Congress, the famous Petition to the King, described by an historian "as penned with extraordinary force and animation, in many parts rising to a very high strain of eloquence;" and also the address to the people of Canada, a paper which explains more fully the principles of English constitutional liberty and their

foundation in English law than any on the same subject in the language, the essays and speeches of Burke not excepted. Well did these noble and masterly expositions of our claims deserve the tribute paid to them by Lord Chatham: "History, my Lords, has been my favorite study, and in the celebrated writings of antiquity I have often admired the patriotism of Greece and Rome; but I must declare and avow that in the master states of the world I know not the people nor the Senate who in such a complication of difficult circumstances can stand in preference to the Delegates of America assembled in General Congress at Philadelphia."

There is not a single word in either of these documents which betokens the "timid apathetic spirit" attributed by Mr. Bancroft at this time to Mr. Dickinson. Far from it. They treat the idea of submission with scorn; they claim redress, not as a favor, but as a right, because when it was refused clearly-established law was violated. They rest their hope for the restoration of harmony upon this basis, that they can enforce the conviction of the justice of their claims upon the minds of those whom they are addressing. They disdain, therefore, to make use of that declamatory rhetoric so commonly employed at that time in certain quarters in making complaints, a style made up alternately of blustering threats and fawning flattery, and which produced no other effect upon those addressed than to irritate them still more and to increase their insolence. It must be remembered that at this time the object of the great majority of the delegates to the Congress was conciliation founded upon a recognition of our

legal rights, and that Congress was not asking openly for reconciliation while secretly it was taking measures to secure independence. It was, indeed, the belief of the English ministry that we were not sincere in our professions, for they seemed strangely inconsistent with the lawless acts of the people of New England. The Secretary for the Colonies in London did not hesitate to say to the Colonial agents there that, although our addresses were expressed in a "decent and respectful tone," our acts gave the lie to the professions we made in them of loyalty. This feeling was so well settled in the mind of the minister that, although he promised to lay the Petition and the addresses before the king and the Parliament, the king, it would appear, never received them, and the papers were sent, as Dickinson afterwards said, to the House of Commons "huddled up in a mass," the bundle being labelled "American papers."

The Petition to the King is the production of a man who, while he felt keenly our wrongs, was a thorough loyalist at heart. It is a clear and logical statement of our grievances, and in dignified expression of lofty political sentiment, framed in an English style characterized by force, simplicity, and good taste, it is unsurpassed by any state paper issued during the Revolution. It addresses the king in a tone far more of sorrow than of anger, and speaks of the wrongs we have suffered as abuses of the royal authority. In a manner calculated to flatter the pride of a constitutional sovereign, it proceeds, with that tone of "proud submission and dignified obedience" of which Burke speaks, so characteristic of the Englishman at his best, to tell the king that "the

apprehension of being degraded into a state of servitude from the pre-eminent rank of English freemen, while our minds retain the strongest love of liberty and clearly foresee the miseries preparing for us and our posterity, excites emotions in our breasts which we should not wish to conceal. We apprehend that the language of freemen cannot be displeasing to your Majesty. Your royal indignation, we hope, will rather fall on those designing and dangerous men who, daringly interposing themselves between your royal person and your faithful subjects, and for several years past incessantly employed to dissolve the bonds of society by abusing your Majesty's authority, misrepresenting your American subjects, and prosecuting the most desperate and irritating projects of oppression, have at length compelled us by the force of accumulated injuries, too severe to be any longer tolerable, to disturb your Majesty's repose by our complaints." [1]

[1] Mr. Dickinson's authorship of this famous letter to the king was questioned by Chief Justice Marshall in his "Life of Washington." He there stated that it was generally believed to have been written by Richard Henry Lee. For reasons which will appear in the following correspondence, this erroneous statement affected Mr. Dickinson very deeply, and he took the trouble of proving by the Journals of Congress that he was the sole author of the Petition to the King. He wrote at once on the subject to his friend Dr. George Logan, one of the Senators from Pennsylvania, who communicated with the Chief Justice. The result, as will be seen, was highly satisfactory to Mr. Dickinson. The correspondence has an additional interest as referring incidentally to Mr. Dickinson's opinion of Washington.

John Dickinson to George Logan.

DEAR KINSMAN, — Having subscribed for two sets of General Washington's Life by John Marshall, I lately received the second

The address of Mr. Dickinson to the inhabitants of Canada in regard to the form of government imposed on the inhabitants of that country after the conquest by the "Quebec Act" is written in the same elevated and

volumes of those sets; and, on looking over one of them, I found a reflection cast by the Chief Justice upon my character, that has surprised and hurt me.

In page 180, after concluding extracts from the first petition, in 1774, to the king, he says, in a note, "The committee which brought in this admirably well-drawn and truly conciliatory address were Mr. Lee, Mr. John Adams, Mr. Johnson, Mr. Henry, and Mr. John Rutledge. The original composition has been generally attributed to Mr. *Lee*."

Here the Chief Justice has committed a mistake directly contradicted by the record, perhaps owing to his having attended only to the first resolution of Congress respecting an address to the king, which was in these words:

"Saturday, October 1st, 1774.

"*Resolved unanimously*, That a loyal address to his Majesty be prepared, dutifully requesting the royal attention to the grievances that alarm and distress his Majesty's faithful subjects in North America, and entreating his Majesty's gracious interposition for the removal of such grievances; thereby to restore, between Great Britain and the Colonies, that harmony so necessary to the happiness of the British Empire, and so ardently desired by all Americans. Agreed, that Mr. Lee, Mr. J. Adams, Mr. Johnson, Mr. Henry, and Mr. Rutledge be a committee, to prepare an address to his Majesty."—*Journals of Congress*, vol. i. p. 22.

At that time I was not in Congress, having been kept out by J. Galloway and his party till the session of Assembly after the new election in that year. This appears from the following entry in the Journals, p. 31:

"Monday, October 17th, 1774.

"Mr. John Dickinson appeared in Congress as a deputy for the Province of Pennsylvania, and produced his credentials, as follows:

masterly style as the Petition to the King. It is, in fact, a treatise upon the great guarantees of freedom which England provides for all her subjects whose allegiance she claims. He insists that by this act the

"'A.M. "'In Assembly, October 15th, 1774.

"'Upon motion by Mr. Ross, ordered, that Mr. Dickinson be and he is hereby added to the committee of deputies appointed by the late Assembly of this Province, to attend the general Congress now sitting in the city of Philadelphia on American grievances.'

"The same being approved, Mr. Dickinson took his seat as one of the deputies for the Province of Pennsylvania."

The next entry in the Journals concerning the Address to the King is in these words, in page 56:

"Friday, October 21st, 1774.

"The Address to the King, being brought in, was read, and after some debate, ordered, that the same be recommitted, and that Mr. J. Dickinson be added to the committee."

The next entry relating to this subject is in these words, in page 57:

"Monday, October 24th, 1774.

"The committee to whom the Address to the King was recommitted reported a draft, which was read, and ordered to be taken into consideration to-morrow."

"Tuesday, October 25th, 1774.

"The Congress resumed the consideration of the Address to his Majesty, and the same being debated by paragraphs was, after some amendments, approved and ordered to be engrossed."

Thus it is manifest that the Address agreed to by Congress *was not brought in*, as the Chief Justice states, merely by the committee first appointed upon that business, but by the persons to whom it was "*recommitted*,"—that is, by the five gentlemen who were first appointed, and by me who had been added to them on the 21st of October, as is before mentioned.

The truth is, that the draft brought in by the original committee was written in language of asperity very little according with the conciliatory disposition of Congress.

great principles which the English law lays down as fundamental—viz., that the people shall have a share in their government; that their representatives shall

The committee, on my being added to them, desired me to draw the address, which I did, and the draft was reported by me.

I have said that the Chief Justice has cast a reflection upon my character, and a very severe one it is, from whatever cause it has proceeded.

The severity of his reflection arises from this circumstance. In the year 1800, two young printers applied to me for my consent to publish my political writings, from which they expected to derive some emolument. I gave my consent, and in the following year they published in this place two octavo volumes, *as my political writings.*

This publication being made in the town where I reside, no person of understanding can doubt that I must be acquainted with the contents. Of course I must be guilty of the greatest baseness, if, for my credit, I knowingly permitted writings which I had not composed to be publicly imputed to me, without a positive and public contradiction of the imputation. This contradiction I never have made, and never shall make, conscious as I am that every one of those writings was composed by me.

The question, whether I wrote the first Petition to the King is of little moment, but the question, whether I have countenanced an opinion that I did write it though in reality I did not, is to me of vast importance.

If I had any acquaintance with the Chief Justice, I would immediately write to him, upon the injury he has done to me, entertaining, as I do, from the accounts I have received of his good qualities, a hope that he would be disposed to do me justice by correcting his error in the third volume of his work, soon to be published.

But, as we are strangers one to the other, I earnestly wish my friend to write to him on the subject, as soon as his convenience will permit.

This favor will much oblige

Thy truly affectionate cousin,

JOHN DICKINSON.

WILMINGTON, the 15th of the 9th mo., 1804.

To DR. G. LOGAN.

have the absolute right of voting supplies; and that the trial by jury, the liberty of the person, and the freedom of the press shall be preserved inviolate—are all

Chief Justice Marshall to Dr. Logan.

RICHMOND, January 28th, 1805.

SIR,—Your letter of the 17th inst., enclosing an extract of one from Mr. Dickinson, reached me only to-day. This delay is in some measure attributable to my inattention to the post-office, and in some measure to the impediments to the mail occasioned by the bad weather.

I lament sincerely that any mistake should have arisen respecting the author of the Petition to the King. I did most certainly believe that it came from the pen of Mr. Lee. I had heard so at the time, and this report appeared to me to derive much probability from his being the person first named on the committee. It may have originated in his having drawn that which was not approved. The subsequent appointment of Mr. Dickinson on the committee escaped my attention. It being my object to state the address itself, without adverting to the changes it experienced in passing through Congress, I did not attend to the recommitment of it. The book mentioned in the extract I never saw. Had it been in my possession I certainly should not have been unmindful of the which finding this paper among the political tracts of that gentleman would have suggested.

The willingness manifested by Mr. Dickinson to attribute this accident to improper motives I can readily excuse; nor will it in any degree diminish the alacrity with which I shall render him the justice to which he is entitled.

With great respect,

I am, sir, your obedient servant,

J. MARSHALL.

THE HONBLE. GEORGE LOGAN, Washington.

John Dickinson to Dr. Logan.

I wish the author to be informed that I am very sensible of the candor with which he has been pleased to rectify the note in the second volume of his work.

I disliked several parts of General Washington's conduct as a

placed at the mercy of an absolute governor, who is responsible only to a profligate minister at home who may rule them as he will.

When the Congress adjourned on the 26th of October, the delegates generally, and John Dickinson especially, were not sanguine of preserving peace. "Delightful as peace is," he said, "it will be all the more gratifying because unexpected." Who had destroyed the hopes of that reconciliation for which he had worked so long and so faithfully? He could not help feeling that the Congress had yielded to pity and sympathy what their calmer judgments would have refused.

Notwithstanding, however, the gloomy apprehensions of Dickinson as to the failure of measures of conciliation, he did not slacken his zeal or abate his efforts to secure the ratification of the acts of the Congress by the legislatures of the different Colonies. The Assembly of Pennsylvania was the first to confirm the proceedings of the Congress, as it was the first,

commander, and as a statesman. They were, in my opinion, errors, committed not for want of abilities, but for want of that information which a more extensive acquaintance with history would have afforded.

However, I always considered him as a great and good man. His honesty and firmness throughout our severe contest establish his character in a most conspicuous and endearing light.

I had a strong conviction of the difficulties he had to encounter; but yet I had not such a knowledge of them, and consequently not such a knowledge of his merits in the services he rendered to his country, as I have acquired since I read the second volume of the History now publishing. His memory must be affectionately cherished by every true American, by every friend to liberty.

thirteen years afterwards, to ratify the Constitution of the United States. It met on the 10th of December: there was a large number of Quakers in the Assembly, yet the acts of the Congress which complained of their grievances were unanimously approved. This action seems to have caused no little surprise among those who thought that they knew the composition of that body well, and especially the Quaker feeling. Mr. Reed, writing to Lord Dartmouth, the American Secretary, says that the vote was expressive of "the approbation of a large number of Quakers in the House, a body of people who have acted a passive part in all the disputes between the mother-country and the Colonies." Nothing could be more significant, as showing how completely united were the people of all classes in Pennsylvania, and how successful had been the management of Dickinson in securing such a vote in opposition to the influence of Galloway and those of his followers (and there were not a few of these) who were royalists *quand même.*

Besides the unanimous formal approval of the proceedings of the Congress by the Assembly, there was an earnest effort made in Pennsylvania by Dickinson and his friends to enlist popular sympathy and support in aid of the strict enforcement of the non-importation agreement. This effort proved in a great measure successful, and the "Association," as it was called, became what agreements of a similar nature had not been hitherto,—a reality. With this object in view, the Committee of Correspondence, of which Mr. Dickinson was chairman, summoned a second meeting of the Convention which had been held during the past summer.

This second Convention, like its predecessor, was simply a popular body, and one whose acts had no formal legal sanction and whose decision could be enforced only by general public opinion; it met at the close of January, 1775. Mr. Dickinson, the chairman of the committee, having proposed that Mr. Joseph Reed should be the chairman, stated the reasons which had led to the call of the Convention. He said that while "it is the most earnest wish and desire of all to see harmony restored between Great Britain and the Colonies, this body should emphasize the opinion that the commercial opposition pointed out by the Continental Congress, if faithfully adhered to, will be the means of rescuing this unhappy country from the evils meditated against it." He then proposed, and the Convention adopted his proposal, that the non-importation agreement should be faithfully observed, and that various kinds of domestic manufacture should be undertaken in order to render us independent of England for the supply of our wants. In these proposals we find only the echoes of the opinions he had always maintained on this subject.

On the 9th of March, 1775, the governor (John Penn) sent a message to the Assembly, suggesting that in the present critical condition of affairs it would be more respectful to the authorities at home that each Colony should state its peculiar grievances in petitions separately, rather than that a common complaint should be made by a Congress of all. The answer of the Assembly is worth quoting, as showing the intensity and earnestness of the feeling which prevailed in Pennsylvania, and her loyal adhesion to those of her sister

Colonies who were then suffering. At this very time she has been represented as being ready, under Quaker influence and the leadership of Dickinson, to yield everything for the sake of peace. They tell the governor, in their answer to his message, that, if there was no other objection to his proposition, it seemed to them that it would be dishonorable to adopt it, and to desert the other Colonies which were connected by a union founded on just motives and mutual faith and conducted by general councils. They rejected with disdain the proposition of the House of Lords that each Colony should vote its own supplies under certain conditions. They were unwavering in their determination when the battle of Lexington had brought affairs to a crisis.[1] On the 9th of May, 1775, they gave their instructions to their honored and trusted delegates (Galloway having declined to be a candidate, and having retired to Bucks County to meditate "going over," as afterwards appeared) in a very few but pregnant words: "You shall meet the delegates to the Congress about to assemble, and you shall exert your utmost endeavors

[1] Mr. Dickinson, Mr. Jay, and Mr. Wythe were sent by Congress to warn the Assembly of New Jersey not to send petitions singly, as Lord North desired. Mr. Dickinson said to the Assembly, "The eyes of all Europe are upon us. Until this controversy the strength and importance of this country were not known; the nations of Europe look with jealous eyes on the struggle. Britain has natural enemies, France and Spain; France will not sit still and suffer Britain to conquer. All that Britain wanted was to procure separate petitions, which we should avoid; it would break our Union, and we should become a rope of sand. He repeated, that neither mercy nor justice were to be expected from Britain." Mr. Jay and Mr. Wythe supported Mr. Dickinson.—*New Jersey Archives*, vol. x., First Series.

to agree upon and recommend such further measures as shall afford the best prospect of obtaining redress of American grievances and of restoring union and harmony between Great Britain and her Colonies." Messrs. Franklin, Thomas Willing, and James Wilson were then chosen additional delegates.

On the 23d of June a petition was presented to the Assembly by the Committee of Correspondence of the City and Liberties, urging that "a military force should be raised, and that a Committee of Safety and of Defence should be organized, composed either of members of the Assembly or of others, as might seem most desirable, who should be clothed with discretionary powers to act in case of invasion or of threatened invasion, and that they should have power to appropriate such public moneys as may be already raised, or to raise such further sums on credit or otherwise as may be necessary." A resolution adopting these recommendations was at once passed with great unanimity, and John Dickinson was made chairman of the committee. Of course the governor's instructions from the Proprietaries would not justify his approval of such an expenditure. All this action was revolutionary in its character, and can be defended only on the plea of an overruling necessity; but it is at least strong proof of the absolute confidence felt by all parties, at that time, not merely in the sagacity but in the integrity of Mr. Dickinson. This most important and responsible trust he held, with the entire approval of the body that appointed him, for more than a year. In pursuance of the resolution of the Assembly, a "military association," as it was called, was formed in Philadelphia, and the example was followed

by the interior counties soon after. The "associators" in this county numbered in a short time four thousand three hundred men, and throughout the Province volunteers came forward in numbers sufficient to form fifty-three battalions. It soon became necessary for the officers to apply to the Assembly for the passage of a law which should provide for their proper military organization and discipline, and such a law was passed on the 30th of June, 1775. Of the first battalion raised in the city John Dickinson was elected colonel, a pretty strong proof, one would suppose, that the earnestness of his resistance by force, should it become necessary, was believed in by those who appointed him.

The military force which was organized by Pennsylvania at the beginning of the Revolution was peculiar to that Province. Its peculiarity was in a great measure due to the unwillingness of the Quakers, who formed so large a part of the population of the Province, to submit to compulsory military service in the militia. At this time there was, indeed, no enrolled and organized militia force in the Province. It had been found impossible, as we have seen, as far back as 1747, to induce the Quaker members of the Assembly to agree to organize such a force by law. They defended their action (so far as the legal liability was concerned) by appealing to the well-known maxim of the English common law, that under no English tenure could a man who procured a substitute be forced to serve in the king's levies in person, and to certain provisions of the charter of Pennsylvania which they claimed exempted those who were conscientiously scrupulous from bearing arms. The Quakers con-

tended that their action did not embarrass the public service; that there were in Pennsylvania many men at all times willing to serve as soldiers if the government would enroll them. The Proprietary government had always been unwilling to employ these volunteers, because it was insisted that their officers should be elected by the men, and not appointed by the governor. This controversy had led to a permanent estrangement between the Proprietaries and the Quakers in regard to the employment of a military force. The latter were represented in England as unwilling to defend the Province because they insisted that the military force should be composed of volunteers, and not of those serving under compulsion, and that they should be paid and maintained by taxes levied upon all the Proprietary estates as they were laid on those of others.

Such was the historical position of the Quakers towards enlistments in the military service in provincial days. Franklin in 1747, upon an alarm which had arisen lest the Spanish pirates who had appeared in the Delaware Bay might attack the shipping and the towns on the river, formed an association of volunteers for the defence of the Province; but, happily, as peace was shortly afterwards declared, there was no occasion for the services of the thousand men who had been enrolled by him. This experiment set the fashion of recruiting men for the military service in subsequent years, and it continued the favorite method in case of emergencies, and when it was impossible to await the settlement of the long-standing quarrel between the governor and the Assembly on this subject, up to the date of the

Revolution. There was not the smallest practical inconvenience in raising a military force of this description, as there were always plenty of men ready to enlist and others desiring to receive commissions as officers; the only difficulty was to obtain a legal consent to the enrolment of these volunteers, or, as they were called in those days, "associators." The outbreak of the Revolution found Pennsylvania, owing to these differences between the governor and the Assembly, without a militia law or any organized military force whatever. Congress having resolved that a certain force should be raised, Pennsylvania was called upon to supply her quota of four thousand three hundred men. The circumstances of the time permitting no delay, it was determined by a large public meeting held in the State-House yard that Franklin's expedient of 1747 should be adopted, and that these men should be raised and organized as "associators" or volunteers. It seems almost incredible that in a community such as the population of Pennsylvania then formed, fifty-three battalions of troops could have been raised in a few weeks. What number of men composed a battalion in those days we have sought in vain to discover: there were enough at least to form two large brigades, one of which was afterwards commanded by General Roberdeau, and the other by General Ewing. It seems hard to reconcile facts such as these with the traditional stories of the Quaker opposition to the war and its influence in preventing voluntary enlistments. In addition to these two brigades, "flying camps," as they were called, were established during the summer of 1776 in various parts of New Jersey, composed

chiefly of Pennsylvania troops, and designed as advanced posts to defend the Province from invasion by the British army then encamped on Staten Island. It is not to be forgotten that all these men belonged to the Province and were maintained by it, the Continental army not being yet organized and ready for duty.

Dickinson was one of the foremost and most active promoters of this military movement during the summer of 1775. Of the five battalions raised in this city, he was, as we have said, the colonel of the first, Daniel Roberdeau of the second, John Cadwalader of the third, Thomas McKean of the fourth, and Timothy Matlack of the fifth (artillery). From the County of Philadelphia, William Hamilton was colonel of the sixth, Robert Lewis of the seventh, Thomas Potts of the eighth, John Bull of the ninth, Tench Francis of the tenth, and Henry Hill of the eleventh. Many of the companies in these battalions had in their ranks the very *élite* of the young men of the city and county,—the "silk-stocking gentry," as they were called,—and at Amboy, at Elizabethtown, on Long Island, at Princeton, and at Brandywine, wherever, indeed, the emergency of the times called them, these volunteers did true and faithful service. The fatal, but perhaps necessary, defect in their organization was the shortness of the term for which they were enlisted.[1]

[1] Besides the eleven battalions of "associators" sent by Philadelphia to the field in the summer of 1776, there was enlisted a considerable number of troops for the Continental line, under the authority of a resolution of Congress adopted in January, 1776. Among these were four infantry regiments (those of St. Clair, Shee, Wayne, and Magaw), two rifle regiments (those of De Haas and

Mr. Dickinson thought it his duty to his constituents, even after the battles of Lexington and Bunker Hill, and while he was engaged in these active measures of raising a military force, to make another effort in Congress to obtain peace. He has been much censured for the part which he took with this object in view, when at the same time he was preparing and advocating what is called the "Second Petition to the King," which was adopted by Congress in July, 1775. It must not be forgotten, however, in the first place, that, strongly as he may have urged its adoption, it was, after all, only the echo of the opinion of the majority of Congress at that time, whose watchword was then Defence, not Defiance. Exactly how great that majority was we cannot tell. The United Colonies, no doubt, considered themselves as armed negotiators, and in that position more likely to obtain favorable terms. Mr. Dickinson and his friends also supposed that the king and the ministry would have learned wisdom from the lessons taught by Lexington and Bunker Hill; but, as it turned out, the effect of this last petition to the king was directly opposite to that which they had calculated upon. It must be remembered, however, as Charles Thomson says, "in order to explain the great anxiety which Mr. Dickinson evinced to send forward this petition, that it was necessary to make an experiment, for without it it would have been impossible to have persuaded the bulk of the people of Pennsylvania that a humble petition, drawn up without

Hand), and two Provincial battalions, composed of fifteen hundred men (those of Miles and Atlee). They were engaged in the battle on Long Island and in the defence in November of Fort Washington.

those clauses against which the ministry and Parliament had taken exception in the former petition, would not have met with a favorable reception and produced the desired effect."

It is now very clear that Mr. Adams and his political friends understood more correctly than did their opponents the extent of the pride and obstinacy of the English king and people. With the sentiment of independence always in their hearts, giving it no utterance, but guided in their policy always by it, they felt that this second petition to the king might be regarded in England as a proof of fear and weakness on our part, and would tend rather to close the door against acceptable terms than to open it more widely to receive them. Congress, however, relied much, as we have seen, upon Mr. Dickinson's judgment, and it is possible that it was not without a wish to administer a rebuke to those who they knew were planning for immediate independence.

As it turned out, this petition incensed to the last degree the New England politicians in the Congress. In the debate which preceded its adoption it would appear that they spoke very harshly of the motives and acts of those who still advocated conciliation, and especially of those of Dickinson, their leader. A speech of Sullivan of New Hampshire would seem to have particularly annoyed Dickinson, ordinarily the most amiable of men. According to Mr. Adams's statement, he rushed out of the hall in a great passion, and, meeting him (Adams) walking with a friend in the State-House yard, he suddenly cried out, "What is the reason that you New England men oppose our measures of reconciliation? There now is Sullivan in a long harangue

following you in a determined opposition to our petition to the king! Look ye!—if you don't concur with us in our pacific system, I and a number of us will break off from you in New England, and we will carry on the opposition by ourselves in our own way." If this be an accurate account of the interview, it is clear that Mr. Dickinson lost his temper on this occasion, and that he was very properly rebuked by Mr. Adams. As to the threat of Dickinson to secede if he could not have his own way, it is so unlike anything he ever did, and it resembles so much the avowed determination of the New England leaders, as we shall see presently, to form a separate confederacy if Congress delayed in proclaiming independence, that it is possible that Mr. Adams's memory may have been betrayed by his imagination. Be that as it may, after the interview, Mr. Adams was so much ruffled by it that he went to his lodgings, and, having occasion to write a letter of introduction for a young friend of his who was going to Boston, he could not refrain from referring to the incident in this way: "A certain great fortune and piddling genius, whose fame has been trumpeted so loudly, has given a silly cast to our whole doings. We are between hawk and buzzard. We ought to have had in our hands a month ago the whole legislative, executive, and judicial of the whole continent and have completely modelled a constitution," and so on in the same strain. This letter, very unfortunately, we think, for the writer and for all concerned, was captured by the English pickets as its bearer was crossing the Hudson, and it was soon after published in full in the English newspapers. The

publication of this letter produced an effect which Mr. Adams could not have anticipated. It appeared in England just at the time when the second petition to the king reached that country; and it was at once seized upon by our adversaries there as showing how insincere were our professions of a desire for peace upon any terms short of independence, and as giving proof of the divisions among ourselves. Attention was called to the similarity of our position now to that which we had held when the first petition was sent to the king, breathing loyalty and hopes for reconciliation while at the same time we were abetting the rebellion of the people of Boston. Besides, it brought to view an impassable gulf between those in Congress who had been so far pursuing a common remedy and those who believed that independence and not reconciliation was the real object of the war. The hall of Congress, although, happily, the public were prevented at the time from knowing what took place in their secret sessions, formed an arena for party strife and management. Mr. Adams became so embittered against Dickinson that his judgment of his conduct and motives had no longer any value. For instance, he writes, "I have always imputed the loss of Charlestown, and of the brave officers and men who fell there, and the loss of a hero more worth than all the town, to Mr. Dickinson's petition [the first petition] to the king, and the loss of Quebec and Montgomery to his subsequent unceasing, though finally unavailing, efforts against independence." It is, of course, idle to argue against clamor so senseless as this: it is only referred to as an illustration of the intensity of the opposition which existed to the

Declaration of Independence but one year before its adoption, not only on the part of Dickinson, but on that of a majority of the members of Congress. Let us rather turn to Dickinson's own account of his opinions and acts at this crisis.

On the 8th of July, the same day on which this much abused petition to the king was adopted, Mr. Dickinson presented the report of the committee appointed to prepare a Declaration announcing to the world our reasons for taking up arms against England.[1] This famous Declaration is of great historical interest, not only because it shows definitely and accurately the sentiments of Congress at that time concerning the character and the motives of the struggle, but also because it is clear that Dickinson was chosen as the fittest interpreter of those sentiments. Basing our defence of rebellion against the authority of the king upon a long series of grievances, still unredressed in spite of repeated petitions and remonstrances, he asks, "But why should we enumerate our injuries in detail? By one statute it is declared that Parliament can of right make laws to bind us in all cases whatever." Here was our whole case stated in a single sentence. Then came those ringing words which, spoken in trumpet-tones to the division of General Putnam encamped

[1] Mr. Dickinson's claim to the authorship of this celebrated paper had been denied by Mr. Bancroft, who stated in his history that Mr. Jefferson wrote the Declaration or the larger part of it. This matter has been so thoroughly investigated by my friend Dr. George H. Moore as to dispel any doubt on the subject. It is only necessary to refer to his paper establishing Mr. Dickinson's claim (Appendix IV.). In the later editions of his history Mr. Bancroft has corrected the error into which he had fallen.

before Boston, were answered "by a shout in three huzzas and a loud amen:"

"We have counted the cost of this contest, and find nothing so dreadful as voluntary slavery. . . . Our cause is just, our union is perfect, our internal resources are great, and, if necessary, foreign assistance is no doubt attainable. We gratefully acknowledge, as signal instances of the Divine favor towards us, that his providence would not permit us to be called into this severe controversy until we were grown up to our present strength, had been previously exercised in warlike operations, and possessed the means of defending ourselves. With hearts fortified by these animating reflections, we most solemnly, before God and the world, declare that, exerting the utmost energies of those powers which our beneficent Creator hath graciously bestowed upon us, the arms which we have been compelled by our enemies to assume, we will, in defiance of every hazard, with unabating firmness and perseverance employ for the preservation of our liberties; being, with one mind, resolved to die freemen rather than to live as slaves." It is certainly not easy to recognize in the writer of this address that "tame and spiritless creature" who is said by Mr. Bancroft at that time to have been John Dickinson. He was then, no doubt, the foremost man in Congress, and for that very reason he had many enemies; but it is none the less true that no man in that body saw so well as he the real necessities of the situation. Perhaps others knew best how to meet them.

From this time until the close of the year 1775 the attitude assumed by Mr. Dickinson in his "Declaration

of the causes of our taking up arms" seems to have been maintained in all the public manifestoes issued by Congress. During this period the stir of military preparation throughout the Colonies was incessant. At Philadelphia, Congress was engaged not only in organizing armies but in exercising the functions of an established government. It determined upon the expedition to Canada, it issued bills of credit for a large sum, it established a general post-office, and, in short, was quite as much a government *de facto* before the Declaration as it became one *de jure* after it. Still, not a word came from it to the public, during all these preparations, committing us irrevocably to independence or to a final separation. It issued, during this period, two most important papers on this subject. The first was the report of the committee of which Dr. Franklin was the chairman, on the 31st of July, concerning the proposition of Lord North, that England should make peace separately with such of the Colonies as desired to do so, on their complying with certain conditions (a favorite scheme of the ministerial party), and the other was the report presented on the 16th of December, in answer to the king's proclamation issued in August, in which the Colonists were charged, among other things, with having traitorously ordered and levied war against their king and having proceeded to an avowed and open rebellion. So careful was Congress that our attitude should not be misunderstood, and that the world should know we were not levying war against the king, that it insisted that we were fighting against the claim of Parliament illegally to rule over us, and not against the royal authority.

"While we are desirous and determined to consider dispassionately every seeming advance towards a reconciliation made by that Parliament, we ask our British brethren how they would welcome articles of treaty from any power on earth when borne on the point of the bayonet by military plenipotentiaries."

In like manner, the report of December, 1775, asks, "What allegiance is it that we forget? Allegiance to Parliament? We never owed it; we never owned it. Allegiance to our king? Our words have ever avowed it; our conduct has been ever consistent with it. The cruel and illegal attacks which we oppose have no foundation in the royal authority. We will not, on our part, lose the distinction between the king and the ministry." It is curious to note the similarity of Franklin's language at this time to that of Dickinson. To the same effect was a resolution adopted on the 3d of November, 1775, by the Congress, in answer to a request for advice from New Hampshire in regard to the establishment of a new government in that Colony. It was recommended to the people there to establish such a form as should most effectually secure peace and good order in the Colony during the continuance of the dispute with Great Britain.[1] These extracts from the Journal show most clearly that the views of the Massachusetts delegates were not, at least to the close of the year 1775, those which found favor in the

[1] In a pamphlet entitled "Congress and Independence," supposed to have been written by John Jay, and reprinted in the "Correspondence of John Jay," will be found a collection of extracts from the Journal of Congress showing how strongly opposed that body was to a Declaration of Independence up to June, 1776.

Congress, for there is no hint of independence in any one of them.

In perfect accord with the opinions of Congress thus expressed, and with the general public sentiment outside New England, was the action of the Pennsylvania Assembly. On the 4th of November, 1775, that body elected its delegates for the coming year to the Congress; they were the same that had been chosen in the previous May, John Morton, the Speaker, taking the place which Galloway had held in the Congress of 1774. They were told, "You should use your utmost endeavors to agree upon and recommend the adoption of such measures as you shall judge to afford the best prospect of obtaining the redress of American grievances, and utterly reject any proposition (should such be made) that may cause or lead to a separation from the mother-country, or a change in the form of this government" (that is, the charter government of the Province).

These instructions, like most of the important papers of the time, were drafted by Mr. Dickinson, who, it will be remembered, was a member not only of the Congress, but of the Assembly of the Province also, and they were adopted by that body without a dissenting voice. The delegates, as members of the Assembly, all co-operated with their fellow-members in their efforts to place the Province in a proper state of defence. Their attitude was in perfect harmony with that of Congress. At the suggestion of Mr. Dickinson, all male white persons in the Province between the ages of sixteen and fifty years, who should not "associate" for its defence, were required to contribute

in money an equivalent for the time spent by the "associators" in acquiring military knowledge. This, by the way, was the beginning of the system of militia fines for non-service which prevailed for so many years in Pennsylvania under the State government. It was also agreed by the Assembly that eighty thousand pounds should be raised to supply the present military establishment of the Province, and a plan was adopted for levying taxes on the property of the non-associators for the benefit of the families of those who served.

The proceedings of the Assembly at this session present a valuable historical illustration of the spirit which animated our fathers at that time. It must be remembered that the Assembly was not a popular convention, like so many of the meetings of the people in different parts of the country in those days,—professing to speak with the authority of the people, but having really no responsibility and no power whatever to carry out the measures they proposed,—but that it was the legal representative body, having full power of taxation under the charter. All its members under the existing law had taken the oath of allegiance to George III. before entering upon their duties; they were elected by a limited suffrage, and it was composed in a great measure of those whose religious principles forbade them to declare or maintain war. It is natural, then, to look upon such a body as eminently cautious and conservative, and certainly we cannot expect to find in it the enthusiastic utterances in favor of independence which had become fashionable elsewhere. But while others talked, they worked quietly and effectively,

—the olive-branch in one hand, and "the lightning of Jove" in the other.

Its acts show how the love of country was an impulse which, at that time, had penetrated the very hearts of all classes, and they are a better index of the current of popular feeling than the many foolish stories about the "toryism of the Quakers" which have become traditional.[1] The Assembly at that crisis is remarkable for another reason: never since that time has a legislative body sat in Pennsylvania which numbered among its members so many men of force, character, wealth, culture, and single-minded devotion to their country as did this memorable Assembly of 1775. Pennsylvania has doubtless gained much by the permanent establishment of the government which was secured by our independence; but the historian who tells the truth must confess that men like Dickinson, Potts, Miles, Morris, Roberts, Franklin, Mifflin, Morton, Gibbons, Pennock, Humphreys, Grubb, Ross, Chief Justice Allen, Montgomery, and many of their colleagues of like temper have been sadly missed from her councils ever since. This was the last Assembly elected under the old Provincial charter, and if that charter had no other merit than that of bringing together such a body of men to guide our destiny, posterity should be grateful to it. It cannot be doubted that among such men John Dickinson must have possessed remarkable qualities to be recognized as leader, and it is most satisfactory to find that the Provincial

[1] It was estimated by Dr. Rush that three-fourths of the taxes by which the war was supported in Pennsylvania were paid by non-combatants, or *Tories*.

Assembly terminated its existence while engaged in the most patriotic work it ever performed, while under his guidance.

An effort has been made to belittle the work of this body, so illustrious in the history of Pennsylvania, by representing that Dr. Franklin, who had been elected a member from the city, declined to take his seat in it because he was required, by a law which existed in all the Colonies as well as in Pennsylvania, to take an oath of allegiance to the king before entering upon his duties. This statement, like most of the statements of Mr. Bancroft where Dickinson is concerned, proves to be incorrect, as shown by the following letter:

"February 26, 1776.

"SIR,—I am extremely sensible of the honor done me by my fellow-citizens in choosing me their representative in the Assembly, and of that lately conferred on me by the House in appointing me one of the Committee of Safety for this Province and a delegate to the Congress. It would be a happiness to me if I could serve the people duly in all those stations; but, aged as I now am, I feel myself unequal to so much business, and on that account think it my duty to decline part of it.

"I hope, therefore, that the House will be so good as to accept my excuse for not attending as a member of the present Assembly, and, if they think fit, give orders for the election of another in my place, that the city may be more completely represented.

"I request, also, that the House would be pleased to dispense with my further attendance as one of the Committee of Safety.

"I am, sir, etc.,

"To the Speaker of the Assembly." "B. FRANKLIN.[1]

[1] Dr. Franklin, it must be remembered, took the oath required by law, affirming among other things his belief in the Trinity as defined by the Athanasian Creed, before entering upon any of the various offices he held in Provincial days.

By the beginning of the year 1776 a great change had taken place in the political feeling of the country, especially in Pennsylvania. People became more and more convinced by all that was taking place around them that the king's heart was really hardened against them, and that the ministry was not to be moved from the persistent enforcement of its arbitrary measures by any appeal to its reason or to the self-interest of the trading-classes in England. Hopes of the restoration of peace and harmony by means of conciliation grew fainter and fainter every day. It became necessary, therefore, for those who had urged measures of reconciliation with a view of redressing our grievances, to determine whether they would agree upon the plan for a final separation, which had been advocated by the majority of the New England delegates for more than a year. So exasperated had these delegates become by the beginning of the year 1776 with the hesitancy and delay of the delegates from the Middle and Southern Colonies, that Samuel Adams is said to have proposed to Dr. Franklin in January, "If none of the rest will join, I will endeavor to unite the New England Colonies in confederating;" and Dr. Franklin is said to have replied (although the story so far as Franklin is concerned seems very apocryphal), "I approve your proposal, and if you succeed I will cast in my lot with you."

Pennsylvania was then governed, as is well known, by a charter which had been granted by William Penn in the year 1701. The New England theory was, so far as it applied to Pennsylvania (but not to their own Connecticut and Rhode Island, where there were royal

charters to which the same objection might have been made as was made to the Proprietary charter of Pennsylvania), that there could be no independence of Great Britain while the Proprietary government of this Province remained in force. Hence to achieve national independence it became necessary to destroy that charter of William Penn which had become dear to the people of this Province, and under which it had reached a degree of material prosperity far greater than that of any other Colony. This is perhaps the reason why the people of Pennsylvania did not seize upon the prospect of independence with as much alacrity as the people of some of the other Colonies. The result of the struggle was in the interval between the beginning of the year and the 4th of July, when independence was declared, a most disastrous one in Pennsylvania. It consumed in violent internal disputes those energies which should have been directed against the common enemy; it bred suspicion among public men who up to this time had been united in opinion and action; it destroyed all force and unity in the counsels of her leaders, and finally resulted in the organization and simultaneous action of two bodies, each professing to be composed of the real representatives of the people, thus disheartening many friends of order and good government, who would otherwise have been friendly to a change, by forcing the people to recognize the power of a convention which was simply a body of self-elected politicians. We cannot trace too carefully the movement in this revolutionary crisis if we desire to understand the true history of Pennsylvania during that time.

Thus, in the beginning of 1776 there were two parties violently opposed to each other: the one insisting not only that independence should not be proclaimed until we had made at least another effort at reconciliation and in the mean time had taken measures to secure it by foreign alliances and a more perfect union, but also that it should not be declared in any event until the permanency of the Provincial charter was assured; the other, urged on by the influence of the New England delegates, contending most strenuously that we should cease at once to recognize the authority of Great Britain in any form, whether exercised directly or through the provisions of a royal charter. The leaders of the first party were Dickinson, Wilson, and Robert Morris; and of the other, Franklin, Dr. Rush, and McKean. There were, of course, many in the Province (loyalists so called) who did not desire independence even if the charter were preserved, and there were others at the opposite extreme,—followers of Thomas Paine chiefly,—who sought to substitute for the old order simply a democratical Constitution. But the extremists on either side had little influence, and the contest which was to follow began, at least, between those who differed chiefly as to the time when we should proclaim our independence; in other words, concerning the opportuneness of a measure which had met with so much opposition. All parties were alive to the importance of the proposals of change that were made, involving, as they did, a complete transformation of the government, State and national. One party hesitated before deciding to adopt them, and the other did not. The position of Pennsylvania at this crisis was

of vital importance in settling the first indispensable condition of a national government,—its absolute sovereignty. The delegates of the extreme party in Massachusetts, whose object from the beginning had been independence, sought by every means of influence they could employ to secure the support of the Pennsylvania delegates in Congress; but their efforts were vain, for Dickinson and Wilson were not the men to be easily moved from their well-settled position.

On the 9th of January, 1776, Mr. Wilson came into the Congress with the king's speech in his hand, complaining that "the true state of feeling here had been misrepresented in England, and asked that an address should be issued by Congress explaining our position and stating that we had no design to set up as an independent nation." The motion was adopted by a large majority, Messrs. Cushing, Paine, and Hancock, of the Massachusetts delegation, voting for it. John Adams was at home at the time, and the Provincial Convention of Massachusetts was so exasperated by the vote that Cushing was dropped by that body from the list of delegates to the Congress for the ensuing year, Elbridge Gerry being substituted for him. As to Samuel Adams, this vote drove him almost to despair: with this proof of the defection of his colleagues before him, to say nothing of the opinions of the other delegates, he allowed his indignation so to master his prudence that he made the proposition to Dr. Franklin about the establishment of a separate confederacy of which we have spoken. The spectacle of the Congress in which two of its most prominent members are represented as resolving to establish a separate government

unless they be permitted to have their own way, is a very sad but a very suggestive one. The truth is, the patience of the delegates from the Middle and the Southern Colonies with their restless brethren was by this time well-nigh exhausted, and the long-suppressed murmurs at New England dictation burst forth in unmistakable tones of protest. The proofs of interference of this kind by the New England delegates who, in concert with a party in this Province, strove to drag us into a premature declaration of independence, were said at that time to have been abundant, and some of them remain. Mr. Elbridge Gerry, the new delegate to Congress from Massachusetts, in January, 1776, wrote a letter on this subject shortly after his arrival in Philadelphia, which is very suggestive. "Since my arrival in this city," he says, "the New England delegates have been in continual war with the advocates of the Proprietary interest in Congress and in this Colony. These are they who are most in the way of the measures we have proposed; but I think the contest is pretty nearly at an end," etc. One loses patience at the coolness with which men who came here to seek our aid in restoring their charter propose as the only means of effecting their object the destruction of our own.

The influence of certain members of the Congress upon the politics of Pennsylvania, and especially upon the popular leaders there, at this crisis, is also referred to by Mr. Edward Tilghman in a letter to his father, dated February 4, 1776. He confirms Mr. Gerry's statement from an opposite point of view. He writes:

"There is reason to believe that the disposition of Congress (a majority) are in favor of reconciliation

and abhorrent from independency. The division is this: Rhode Island frequently loses a vote, having only two members, and they differing; New Hampshire, Massachusetts, Connecticut, and the Ancient Dominion hang very much together. They are what we call violent, and suspected of independency. All the others breathe reconciliation, except that the Lower Counties [Delaware] are sometimes divided by the absence of Rodney or Read. Colonel McKean is a true Presbyterian, and joins the violents. The minority are indefatigable, try all schemes in all shapes, act in concert, and thereby have a considerable advantage over the others, who are by no means so closely united. Some time since, Judas Iscariot [Samuel Adams] made a motion, of whose contents I am not quite certain, but it tended towards a *closer confederacy*, and was of such a nature that whole Colonies threatened to leave the Congress. Saml. Adams has twelve hundred pounds a year from the present Massachusetts Constitution. Franklin has hurt himself much here, and reigns only with the Presbyterian interest, which is much stronger than I could wish it to be." [1]

The trouble caused by these dissensions among the people of Pennsylvania, who had been hitherto practically unanimous, not merely in setting forth their grievances, but as to the methods of redress, and the efforts

[1] Among the many political parties in Pennsylvania in Provincial times, the Presbyterians, or Scotch-Irish, seem to have held at all times a distinct position. In 1764 they had preferred to retain the Proprietary government rather than submit to the direct authority of the Crown; in 1776 they were the strongest opponents of the Proprietary government and charter, and earnestly advocated national independence and the abolition of the Provincial charter.

which were made by the popular party in the Province, aided by violent men in Congress, to induce the Assembly to adopt at once extreme measures, soon brought affairs here to a revolutionary crisis. The adhesion of Pennsylvania to the project of independence was absolutely necessary if that project was to be carried out; Pennsylvania was the prize for which both parties were contending, and any measure which seemed likely to succeed, no matter how revolutionary or radical it might be, was regarded only as a means of gaining that object. During the whole winter this state of anarchy continued, to the destruction of all confidence among men of different parties in the Province, and to the injury of those material interests which the welfare of the population required should be adopted.

The only bright side of the gloomy picture which this period presents is that which shows the readiness with which the "Philadelphia Associators" responded to a call from the Congress to march at once to the relief of New York, then supposed to be threatened with an invasion by the enemy. A detachment of three battalions was detailed for this service on February 15, under the command of Colonel John Dickinson, a man who has since been represented by persons who claim to write history as at that time the leader of those who preferred submission to resistance. The alarm of an invasion of New York soon passed over, but the readiness of the Philadelphia battalions and of John Dickinson to "resist it by force" is very significant.

In the midst of this revolutionary tumult and anarchy the bewildered Assembly, the only legal representative of the people of this Province, deeply sensible of the

responsibility of its position, was for a long time at a loss how to act. It was most anxious to conciliate popular favor, but duty to the people who had chosen it forced it to do two things: *first*, to preserve the charter under whose authority it acted, and, *secondly*, to postpone a final separation from the mother-country until that charter was made safe, or, to use the language of the petitioners to the king in 1764, until these "privileges were assured." Like all representative bodies in times of peril and excitement, the Assembly made one concession after another to the popular clamor, and it turned out, as it always does at such times, that the more they yielded, the more violent became the demands for further concessions.

The Assembly was assailed on all sides by the indignant protests of the multitude, who had just discovered that this body, which up to that time had rendered as true, faithful, and effective service to the cause of American liberty, to say the least, as the legislatures of any of the Colonies, had suddenly become incapable of interpreting the wishes and the aspirations of the people of Pennsylvania. A great clamor had been raised in the newspapers concerning, among other things, the oaths of supremacy and obedience to the king which all officers of the government, including the members of the Assembly, were required by law to take, under the provisions of an act passed in 1705. It was said, with some show of reason, that to swear allegiance to a king whom we were preparing to fight was an inconsistent, not to say an absurd, act. But the answer was the same that had been made by the Congress in December, 1775, to a similar charge. "We are not fighting against the

king," said the Congress, "but against an abuse and usurpation of the royal authority, under the cover of an act of Parliament which we regard as unconstitutional,—that is, out of the ordinary and established course of the English law,—and we are justified in making resistance by English tradition and example." "Our true course," it was said by Dickinson and his friends, "is now, as it has always been, especially if we hope to preserve our charter, to seek redress with arms in our hands, if necessary, to enforce our petition; but as long as we seek protection in that way we must not withdraw our allegiance." It must not be forgotten that the ideal conception of what a province ought to be, in the minds of the majority of the Assembly, was its condition before 1763, and not that of an independent State. The opponents, however, of this view of affairs, in and out of the Assembly, were numerous, powerful, and active. They spared no efforts to remove the corner-stone of the temple which William Penn had builded.

On the 24th of May a resolution was offered that a committee be appointed to report upon a plan "rendering the naturalization laws hitherto in force, and the oaths or affirmations of allegiance, unnecessary in all cases where they are required or have been usually taken in this Colony." Previously, however, on the 15th of March, a resolution had been adopted by the Assembly (the vote being twenty-three to eight) providing for seventeen additional representatives in that body,—four from the city, two each from Lancaster, York, Cumberland, Berks, and Northampton, and one each from Bedford, Northumberland, and Westmore-

land. The Assembly seems to have been alarmed, not to say panic-stricken, by the popular clamor, and to have abdicated its power more rapidly even than its enemies asked for. There was one point, however, that it could not be forced to yield. It refused, April 4, to rescind the instructions which had been given to the delegates in Congress in November, 1775, and it was encouraged to insist upon those instructions by the result of the election for members of the Assembly held in the city on the 1st of May. At that election three out of four of the friends of the old charter were returned. The Assembly, in the mean time, had adjourned until the 20th of that month, and in the interval Congress took in hand the affairs of Pennsylvania, and by its action wholly subverted and destroyed the old charter and all obedience to its authority.

On the 10th of May, Congress, on the motion of John Adams, after much debate passed a resolution which was intended to be a death-blow to the royal authority everywhere, and to the existing Proprietary government in Pennsylvania in particular. It recommended to the respective Assemblies and Conventions of the United Colonies, where no government sufficient to the *exigency of their affairs* had been hitherto established, to "adopt such a government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular and America in general." It was, of course, intended by this resolution that governments should be established by the authority of the people, but it became a question in Pennsylvania whether she had not already a government sufficient for "the exigency of her affairs,"

and really under the control of the representatives of the people, as contradistinguished from that of mass-meetings. As soon as a doubt was suggested concerning the meaning of the resolution, Mr. Adams, our self-constituted Mentor, induced the Congress to pass another resolution, which he called a preamble, which should be explanatory. This was passed on the 15th of May, declaring "that it was absolutely irreconcilable with reason and good conscience for the people of these Colonies now to take the oaths and affirmations necessary for the support of any government under the Crown of Great Britain, and that it was necessary that the exercise of every kind of authority under the Crown should be totally suppressed." Where the Congress got the power to direct the people of Pennsylvania to change their government for any purpose it would be difficult to explain, but it is evident from what followed that the majority in the Assembly were not disposed to submit quietly to orders which were in direct opposition to those of whom they were the only legal representatives. It is idle to pretend to justify these proceedings of Congress on any other ground than that they were revolutionary, and history justifies them because they were, perhaps, the necessary means for attaining what has proved to be a grand result. Let us frankly admit that the object was to remove, by reason or by force, the great obstacle that stood in the way of our independence,—the Proprietary government. Let us call these extraordinary proceedings, however, and the great men who were engaged in them on both sides, by their right names. Dickinson and Wilson at this time were the champions of law and order, as represented in the old,

well-established government of the Province; Franklin and McKean were revolutionists, whose sole object was the independence of the Colonies, and they were willing to pay any price for it, even to the destruction of the charter and the chance of anarchy in their own home. However desirable the end, the means employed to attain it was a simple usurpation of power. There can be no doubt that in the fiery trial of the Revolution Pennsylvania suffered more than any other Colony in order that independence might be achieved. In a most important sense she was condemned to die that others might live. She suffered from all the evils of a double revolution. Not only was her charter taken from her,—a wholly unnecessary act, as by its provisions six parts out of seven of the voters could at any time have so changed it as to reach the desired result,—but the commanding influence among the Colonies which she had up to that time enjoyed was lost when the class of men who controlled her destinies under it gave way to others. Truly, Pennsylvania was in a sad plight in the days immediately preceding the Declaration of Independence. The majority of her legal voters were ordered by a discontented minority of her own people, aided by a Congress whose very existence was due in a great measure to her co-operation, to sacrifice her own charter and to take anything as a substitute which the revolutionary leaders might see fit to bestow upon her.

The bewildered Assembly met again, as we have seen, on the 20th of May. Its right to perform the duties imposed upon it by the charter had been questioned by the mass-meeting of its opponents, who had

determined that, even if the Assembly were disposed to do so, it should not be permitted to frame the new government which Congress had ordered to be constituted in Pennsylvania. Immediately upon its assembling, a protest was presented against its undertaking to establish such a government. This action had been taken by a very large meeting held in the State-House yard, which declared that "this meeting [of Whigs] should take measures to elect a Convention to frame a new Constitution." A large number of counter-petitions were then presented to the Assembly, objecting to any change of government, either by that body itself, or by any other body claiming to act in the name of the people, and objecting to any interference of Congress in the matter. Then followed a protest from the officers of the five Philadelphia battalions, or some of them, headed by General Roberdeau, against the appointment of any general officers by the Assembly, many of the battalion officers declining to recognize the authority of the Assembly for such a purpose, and threatening that they would refuse to obey the orders of the generals so appointed. Then came a protest from the private soldiers of these battalions to the same effect. As these men, both officers and soldiers, had all been appointed and raised by authority of the Assembly, the result of this action was to place the existing civil government under the control of the military,—that is, under the law of force,—a condition of things in the highest degree revolutionary, and one which resulted in the total subversion of the lawful government.

In this condition of anarchy the Assembly was utterly at a loss what measures to take. It had modified the

fundamental laws of the Province by proposing to repeal the naturalization laws and those requiring that all the officers of government should take the oaths or affirmations of allegiance; it had enlarged the representation in the Assembly, giving especially more members to the western counties, whence the complaints of inequality had chiefly come; but all these concessions proved of no avail so long as it would not give up the charter under which it acted. Nothing was done, in the opinion of the popular party, while this stumbling-block in the way of independence was not removed. The very men, officers and soldiers, who had been enrolled to defend, among other things, the power of the Assembly and the chartered rights of the people, had now turned against them. The Assembly did the only thing which, in its position, it was possible for it to do: it preserved an attitude of "masterly inactivity." It could not be forced to rescind the instructions which prohibited the delegates in Congress from consenting to a final separation. The revolutionists had, however, gone too far to be foiled by so trifling an obstacle as this. They determined, therefore, to seize upon the whole power of the State, to form a new government to suit their purposes, and to substitute the government so formed for the lawful system which was then in full operation under the charter. Nothing could well be more revolutionary, nothing less justifiable by the practice or traditions of people of English blood. Nothing, indeed, quite so anarchical as this scheme has ever been attempted since in an American community. No act in the whole course of American history would have been more

bitterly denounced, it seems to me, than this usurpation, had it not been that we have been blinded to the truth by the great results which have followed this bold assumption of power.

The leaders of the meeting held in the State-House yard on the 20th of May, finding the Assembly apparently immovable in its determination not to establish a new government and not to rescind the instructions given to the delegates in Congress in the preceding November, applied at once, as they had threatened, to the "Committee of Inspection and Observation of the City and Liberties" to call a conference of the committees of the several counties, that these committees might direct the election of a Convention which should frame a new Constitution. Why it was necessary that this scheme should pass through three different committees to give it validity, or how this process in any way lessened the flagrant illegality of the whole proceedings, it is hard to explain. They informed the Assembly that they had taken this step, and modestly suggested to the judges of the different county courts that it would be well for them to suspend business until the new government was formed. The judges declined to follow the example set elsewhere. That a new Constitution for such a Province as that of Pennsylvania should be framed at such a crisis, the outgrowth of such conditions, seemed to Whigs like Dickinson and Thomson and Mifflin a solecism in politics, and they protested vehemently against the popular clamor, but to no purpose.

This congeries of committees, bound together by no legal obligations and under no legal responsibility,

really representing no one except the violent members of the Whig party who had chosen to meet in the State-House yard, joined by committees of correspondence from the different counties, brought into existence in a similar manner, assembled in Philadelphia on the 18th of June. They called themselves "Conferees and Delegates of the people of Pennsylvania for forming a plan for executing the resolution of Congress passed on the 15th of May." Nothing saved this extra-legal Assembly, which proposed nothing less than the formation of the fundamental Constitution of a sovereign State, from the treatment usually bestowed on violators of the public peace and order, but the high character of the men who were at the head of the movement. Doubtless such men as Dr. Franklin and Colonel McKean persuaded themselves that there was no other way of accomplishing what they deemed absolutely essential to the safety of the Province than a revolutionary one. Under any aspect, the experiment they made and the example they set seem to have been most dangerous and unnecessary. Not only did these conferees assume, with a perfect knowledge that they did not represent the people of Pennsylvania in any sense, to order that an election should be held (of course, without legal sanction) for delegates to a Convention which should assume the sovereignty of the State and form a permanent Constitution for its people, but also, in the same assumed capacity, they sent a message to the Congress "unanimously declaring their willingness to concur in a vote of the Congress declaring the United Colonies to be free and independent States, *provided*

that the forming of the government and the regulation of the internal police of this Colony be always reserved to the people." How this body of conferees could call themselves, except in the sense of the tailors of Tooley Street, "representatives of the people of Pennsylvania," and how the Congress could have received such a declaration without an incredulous smile, it is hard to understand, especially as Congress had always hitherto recognized the Assembly as truly representing the people. The whole transaction is a striking illustration of the manner in which the revolutionary craze at times twists the ideas and opinions of even the best and wisest men. There was no excess of power, apparently, to which these conferees did not lay claim. Among other things, they provided that each member of the proposed Convention before he took his seat should make and subscribe the following declaration of his religious faith: "I do profess faith in God the Father, and in Jesus Christ his Eternal Son the true God, and in the Holy Spirit, one God blessed for evermore; and I do acknowledge the Holy Scriptures of the Old and New Testaments to be given by Divine inspiration." We think it may well be doubted whether such sovereign authority in matters ecclesiastical as well as civil was ever claimed by any deliberative body in modern times composed of people of English blood. It was the first instance of the exercise of such absolute despotic power in Pennsylvania, and it is to be devoutly hoped that it will prove the last, even if the pretext may be, as it was then, the security of liberty. No wonder that the calmer and wiser Whigs, who felt degraded by the manner in

which the Province was "making history," protested against these extraordinary proceedings; but it was too late.

Meantime, the Assembly, which was still the only legal body, and whose authority had been so openly defied by the proposed Conference and Convention, was puzzled as to the course it should take in regard to the instructions which it had given to the delegates in Congress in the preceding November. The popular current, or at least the current moved by the populace, seemed to rush more and more rapidly towards independence. The Assembly was apparently helpless; its military force had gone over to the side of those who were clamoring for its dissolution, and it seemed possible that the party of the conferees might be tempted to seize by force what had been denied it by the majority of votes. Besides, there could be no doubt that the popular feeling had changed, and was changing in favor of a final separation from Great Britain since the instructions of November had been adopted. This change is well expressed in a petition which was presented to the Assembly on the 28th of May, coming from the voters of the county of Cumberland. The petitioners say, "The prosecution of the war may require the adoption of some measures which, besides the purposes intended to be immediately produced by them, may have the tendency to weaken or even dissolve the connection between Great Britain and the Colonies. To avoid the terrible consequences of anarchy, and to prevent the best men from falling a sacrifice to the worst, it will soon become, if it has not already become, necessary to advise and to form such

establishments as will be sufficient to protect the virtuous and restrain the vicious members of society. As these establishments may be construed to lead to a separation from Great Britain, would it not be better to withdraw the instructions which enjoin the delegates not to consent to any such separation?" These petitioners were the friends of the Assembly, and their cautious and conservative language is probably but an echo of the feeling of that body at this crisis. If any doubt still existed in the minds of the leaders of the conservatives as to the course that should be taken by the delegation, it was settled a few days after the Cumberland petition was presented by the receipt of news that the Virginia Convention had adopted on the 22d of May resolutions instructing their delegates in Congress to urge an immediate declaration of independence.

From the 1st to the 4th of June, both days inclusive, there was no meeting of the Assembly; on the 5th the letter from Virginia announcing its action was received by that body, and on the same day a committee was appointed "by a large majority" to bring in new instructions to its Congressional delegates. On the 8th of June the committee reported in favor of doing so. Mr. Dickinson was the chairman of this committee, and in the midst of the revolutionary fury by which he was surrounded he had the courage to bid farewell to the expiring government in these noble and pathetic words: "The happiness of these Colonies has been, during the whole course of this fatal controversy, our first wish; their reconciliation with Great Britain our next: ardently have we

prayed for the accomplishment of both. But if we must renounce the one or the other, we humbly trust in the mercies of the Supreme Governor of the universe that we shall not stand condemned before His throne if our choice is determined by that law of self-preservation which his Divine wisdom has seen fit to implant in the hearts of His creatures." The delegates were then authorized (not instructed) "to confer with the other delegates in Congress in forming such further contracts between the United Colonies, concluding such treaties with foreign kingdoms and states and adopting such other measures as upon a view of all the circumstances shall be judged necessary for promoting the liberty, safety, and interests of America, reserving to the people of this Colony the sole and exclusive right of regulating its internal government and police." It will be observed that both the Assembly and the Convention tried to reserve to the people of Pennsylvania the power to regulate their own internal affairs. In the revolutionary storm which followed, this most important provision was either made light of or forgotten, and the people of this Province were treated as if they had been identical with those who composed the mass-meeting in the State-House yard and their imitators in the different counties.

The new instructions were approved by the Assembly on June 8, and laid aside in order to be transcribed for their final passage on the 14th of June. When that day arrived, it appeared that there was not a quorum of members, the rules requiring that two-thirds of the whole number should be present for the transaction of business. On the 14th of June the Assembly (thirty-

six members being present) passed as the true representatives of the people of Pennsylvania the following resolution, fitting expression of their true patriotism: "*Resolved*, by the members of the Assembly now present, that they are earnestly desirous of carrying into effect the resolutions of Congress of the 1st instant [in regard to raising the quota of troops required from this State], but there is no quorum, and therefore we cannot proceed." The Whigs in the Assembly, by a secret understanding, had withdrawn after the 8th of June, and never again took their seats in that body, so that no quorum could be had for its organization. They took this course either because they regarded the Assembly as without any legal power since the vote of Congress of May 10–15, 1776; or because the Assembly had by the new instructions protested against any attempt to change the home government; or because they felt that if by their withdrawal they could for a short time paralyze the action of the Assembly, the progress of the Revolution would do the rest. At any rate, thus fell the Provincial Assembly, keeping up its shadowy existence until the close of August, 1776, a quorum for business being at no time present. Its fall raises many interesting questions,—among others, where and in whom was vested the legal authority when the assent of Pennsylvania was supposed to have been given to the Declaration of Independence on the 4th of July, 1776.

Whatever may have been the noisy demonstrations with which the news of independence was welcomed elsewhere, it was perhaps not unnatural that a Pennsylvanian, as he looked to the future, should have been

filled with dismal forebodings rather than with joyful anticipations. He could not but fear that the birth-throes which gave life to the nation would cause the death of that mother whom he had so dearly loved and of whose beauty and renown he had been so proud.

The resolution, which was offered in Congress on June 7 by Richard Henry Lee, in obedience to the instructions of the Virginia Convention, was a simple ratification of the act of that body which had requested Congress to declare that henceforth the United Colonies should be free and independent States. The resolution was discussed at great length during the whole month. It must be remembered that when the debate began the delegates from New York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina considered themselves bound to oppose the resolution, either by the express wish of the Assemblies of these Colonies or by the well-known wishes of their constituents. Hence Dickinson and his friends, delegates from Pennsylvania, doubtless supposed that they would continue to be supported in the views they maintained by the Assembly, as the delegates from the other Colonies were by their own legislatures. But during the month those Colonies which had not been hitherto favorable to independence hesitated to consent to it. During the severe trial of the long debate in Congress on this vital question, it is worthy of remark that Dickinson, whose views in regard to the inopportune time which had been chosen for a final separation were well known, should have been regarded by his fellow-members with undiminished trust and confidence. Special pains seem to have been taken to meet his objections, which were chiefly twofold,—

the want of unity among the Colonies, and the want of foreign allies.

On the 12th of June, Congress adopted the following resolution: "*Resolved*, That the committee appointed to prepare a form of confederation consist of one member from each Colony." The draft of the original form of the confederation is preserved in Mr. Dickinson's handwriting, he being the member of the committee from Pennsylvania. On the same day Congress adopted another resolution: "*Resolved*, That a committee be appointed to prepare a plan of treaties to be proposed to foreign powers." Mr. Dickinson, who had been from the beginning a member of the Secret Committee for foreign affairs, was also a member of this committee, and reported the draft of a treaty. Every effort seems to have been made in Congress during this month, as we have said, to conciliate Mr. Dickinson, and his treatment was in striking contrast with that which he met with from the revolutionary faction in his own Province; there the constant object was to crush him, not that he had given any offence personally, but because he stood in the way of the accomplishment of the designs of his political opponents. During the month the different Colonies which had decided to oppose a declaration of independence at that time determined to follow the lead of Virginia. In some of the Colonies the instructions forbidding their delegates had been rescinded, so that by the close of June New York alone stood out against it. The truth is, the conviction was growing stronger and stronger every hour that it was hopeless to expect a redress of grievances at the hands of the English

ministry. This conviction was confirmed by the contemptuous indifference with which the last petition to the king had been received, and by the employment of foreign mercenaries in the armies sent against us. Acts such as these convinced those who had doubted longest. It was plain that resistance could best be made to aggressions carried on in this spirit by our becoming an independent nation. Certainly, in July, 1776, no man who for more than a year had maintained our rights with arms in his hands, as Dickinson had done, was likely to be deterred from using those arms any longer through any sentimental loyalty to the king or because independence had become our aim. It was simply with him, as with a multitude of others, a question of expediency, as he himself said afterwards: "After the rejection of the last petition to the king, not a syllable, to my recollection, was ever uttered in favor of a reconciliation with Great Britain." Had the time come for the final separation? On this point very sincere patriots differed. Dickinson was perhaps an overcautious man,—certainly he was not one of a sanguine temperament,—and his experience of a want of unity during the months he had passed in Congress, the spectacle constantly before him of the delegates from one half of the Colonies wrangling with those from the other half and disagreeing almost to the last moment on fundamental points,—all this was not likely to encourage the hope that a serviceable confederation could be formed, or that helpful foreign alliances could be contracted, and that our powers of resistance would be thereby made adequate for the purpose.

The speech which Mr. Dickinson is said to have made

in Congress in explanation of his position rests on somewhat doubtful authority, like that of John Adams on the same occasion. Both speeches appeared for the first time in Botta's "History of the Revolution," where it was thought proper to make the chiefs talk after the fashion of Livy's heroes; but there were no reporters in Congress, and neither Dickinson nor Adams recognized these speeches as their own. On the contrary, John Adams, in a letter to Governor McKean, of July 30, 1815, says, "Mr. Dickinson printed a speech which he said he made in Congress against the Declaration of Independence, but it appears to me very different from that which you and I heard. Dr. Witherspoon did the same, but these, I believe, are the only speeches which were committed to writing." No doubt the printed speeches express generally the sentiments of those to whom they are attributed, but in that form they must not be taken *au pied de la lettre*.[1] Mr. Dickinson is said to have begun his speech by complaining of the tumultuous proceedings in the Congress, designed to coerce the opinion of the members and to drive them precipitately to the most serious and important decisions. He spoke earnestly of the dangers which he clearly foresaw of dissension among ourselves unless some strong central authority were created to enforce obedience, and of the fears which he entertained lest, the object of the war being changed, the

[1] The speech attributed to Mr. Dickinson by Mr. Bancroft on this occasion is made up of extracts from his "Vindication," printed seven years later, in 1783. (See Appendix.) So far as can be ascertained, Mr. Dickinson printed no speech as having been made at this time.

union of the people would be destroyed. He insisted that our history proved that it was the restraining power of the king alone which had protected the Colonies from disunion and civil war. He went so far as to say that we would find the evils resulting from such an independence intolerable. His argument seemed mainly directed to the want of a central authority, the inconvenience of which had been impressed upon him by experience. The necessity of providing for such an authority made him in after-life urge a closer union than the loose-jointed confederation by which we were then governed, as well as a strong advocate of the adoption of the Constitution of the United States. He did not conceal his opinions of the arbitrary acts of the ministry during the last twelve years, but, as he evidently despaired of our military success in a contest with Great Britain, he thought it wiser to trust for a change for the better to anything rather than to our power of accomplishing our purpose by force. He is reported to have said that England having found repose only in monarchy, it would be more prudent for us to be governed by her example. It is to be observed that he positively denied afterwards ever having advocated any such doctrine. He seemed to think that one campaign would settle the controversy, so far as it could be settled by arms, and that it would be better to test our strength before we had gone too far to retrace our steps. He then dwelt, as he had always done, upon the two essential conditions, not only of successful resistance, but of any permanent independency,—*first*, union among ourselves, by means of a confederacy with ample power to enforce its laws, and, *secondly*, a foreign alliance

which should make up for our military deficiencies. What Mr. Dickinson really said in the debate on the Declaration of Independence, or, rather, what opinions he entertained upon the most important points involved in that debate, we are fortunate enough to know from a letter of his addressed to Mrs. Mercy Warren (a relative of the hero of Bunker Hill), who had written a history of the Revolution and submitted the book to his criticism. The following is the answer to her letter:

John Dickinson to Mercy Warren.

MY HIGHLY ESTEEMED FRIEND,—Though increasing infirmities permit me to discharge but very imperfectly the offices of civility, yet I have attended to thy late request, and turned to the ninth chapter of the History.

As well as I can rely on my fading memory, R. H. Lee and John Adams were the principal speakers in favor of a declaration of independence. As for myself and those who acted with me, we certainly entertained, and expressed, apprehensions of great calamities to both countries should that measure be adopted, but the expression of these apprehensions was always accompanied by a solemn declaration that, dreadful as they (those calamities) might be, they were to be firmly encountered, whatever the consequences might be.[1]

In the tendency of our councils towards a separation, two points appeared to me important: first, to obtain as much time as possible for recovering the ministers of Great Britain from the madness under which they were laboring; secondly, to ascertain the disposition of France, with which we were then negotiating.

As to the first point, an effort was made by bringing forward the

[1] There was no question concerning forms of government, no inquiry whether a republic or a limited monarchy was best; for if Britain persevered in her folly, we knew that the people of this country must unite themselves under some form of government, and that this could be no other than the republican form; in that case all objections against this form must vanish before the immediate necessity of self-defence.

second petition to the king; and in doing this it was expressly stated that if this address should not produce the desired effect, the rejection of it would assuredly produce another of vast moment,—that is, an union of all those who now differed in sentiments on this subject. It did so: *the rejection was complete. After the rejection, not a syllable, to my recollection, was ever uttered in favor of a reconciliation with Great Britain.*

As to the second point, the ascertaining the disposition of France, it was perfectly well known how much she had been weakened and discouraged by the events of the war that ended in 1763. It was not likely that she could be in a state of preparation for yielding us early and effectual assistance. Our precipitation might be displeasing to her, if we took this step without her knowledge when we were treating with her for aid, especially as the establishing a great republic in the neighborhood of French and Spanish territories might be regarded as a procedure as dangerous as ———

However, the infatuation of Great Britain facilitated all the enterprises of her enemies. She has persevered in her folly ever since, and the best rule now to judge what she will do is to consider what her true interests are; for it may be depended on that she will act directly against them.

With every respectful consideration, I am thy friend,

JOHN DICKINSON.

WILMINGTON, the 9th of the 9th month, 1807.

When the final vote was taken, Mr. Dickinson, with a consistency of conduct which was the surest test of his sincerity, and with a noble disinterestedness in which he was, unfortunately, not imitated by some of his colleagues, refused to give his vote in favor of that measure. Whatever else may be said of his connection with that act, there are few who will not agree with Hildreth, the historian, in thinking that it was the "noblest proof of moral courage ever shown by a public man in the history of the country." As far as could then be seen, he had made himself by it an

outcast from public life, and he sank at once from the position of leader, which he had held for twelve years, to that of a martyr to his opinions. It is easy for us now to see that Dickinson made many mistakes, and that he was too distrustful of the people of the Colonies, and perhaps of that Providence that guided their steps; but we must remember that a lack of confidence or of enterprise does not imply a lack of self-denying patriotism.[1] Robert Morris followed the example of Dickinson by absenting himself when the vote was taken, but he afterwards signed the Declaration, notwithstanding the opinion he expressed in a letter to General Reed of the 20th of July, "that in his poor opinion it was an improper time, and that it [the Declaration] will neither promote the interest nor redound to the honor of America, for it has caused division when we wanted union," etc. James Wilson, who had been as strong an opponent of the measure during the debate as Dickinson himself, recorded his vote in its favor; Dr. Franklin and the Speaker of the Assembly, John Morton, united with him, while Willing and Humphreys voted against it. Biddle and Allen, the remaining delegates, who were both opposed to it, had resigned their seats in Congress some time before.

Such is the true story of the attitude of Pennsylvania and of her great leader, John Dickinson, at this important crisis of our national history. We are now so far from this event, and we have proved so com-

[1] Many of the delegates from the other Colonies were personally opposed to a Declaration of Independence on the 4th of July. Among others were Jay, Duane, Robert Livingston, Read, and Rutledge.

pletely in this State our loyalty ever since to the government which was based upon our independence, under very severe trials at various times, that we can well afford to do justice to the motives of those who thought the Declaration at the time inopportune. One thing is very clear, from the review of the history of the time, that there were other forms of patriotic devotion during the war besides working for the final separation of the Colonies from Great Britain, and that the epithets which have been applied to our Pennsylvania statesmen, and to those who upheld the Pennsylvania policy, of "tame," "spiritless," and "apathetic," are singularly out of place. We trust that we may recall with just pride the historical truth that the first resistance in this country to the pretensions of the ministry to tax us in all cases whatever, made upon legal and constitutional grounds, was organized in 1768 by John Dickinson in the "Farmer's Letters;" that his opinions were recognized as the wisest and most expedient which had been advocated; that his advice was taken by all parties up to the time of the meeting of the Continental Congress in 1774, even by Samuel Adams and his friends, who from the beginning had favored independence; that Dickinson was the leading spirit in the Congress from that time until June, 1776, having been selected during that period to prepare all the important public manifestoes made by that body; and that he never wavered in his opinion as to the soundness of the principles by which he was guided,—to wit, that resistance should be made to the measures of the ministry with arms in our hands until our grievances were redressed. In the beginning

of 1776, certain of the New England delegates, for reasons no doubt perfectly satisfactory to themselves and their constituents, changed their views and became more aggressive by asserting the necessity of a speedy declaration of independence. Dickinson remained unmoved in his opinion as to the best course which should be pursued up to the middle of June, 1776, and the vote of six Colonies supported him.

But it is quite unnecessary to maintain that any party or set of men should be entitled to the monopoly of whatever credit may be due to the work of our fathers. Many of those who did not agree with Dickinson in the measures he advocated were sanguine in their hopes, absolutely certain that the end which they proposed to themselves could be reached, very impatient with those who did not agree with them, and very unscrupulous in the means they took to accomplish their ends. Much the same may be said of their political friends, the party in Pennsylvania who strove to manipulate the expression of public sentiment in such a way as to make it appear that she demanded an immediate act of independence. This party tried to move its own legal Assembly, as we have seen, by threats and persuasions alternately, and finally assumed a thoroughly revolutionary attitude by trying to supersede its authority by a popular convention; and all this was done by men who claimed to be and were good patriots (but not better than their more conservative brethren), although they maintained that persons styling themselves conferees, the creatures of county committees and mass-meetings in the State-House yard, could, without authority, guarantee, or responsibility, claim to express the true voice of law-

abiding Pennsylvania. It is curious, however, to observe how the enmity which had existed in the Congress between extreme partisans of opposite views seemed to wear away in the course of time. Dickinson and Wilson and Morris were all ostracized for a short period, owing to the unpopularity of their opinions with those who had succeeded to power in Pennsylvania, but when permitted to return to Congress they were among the most useful and faithful members of that body, and among the most active and influential afterwards in the Convention which framed the Constitution of the United States.[1]

[1] In 1783 Mr. Dickinson published a statement of his services during the Revolution, from which many of the facts presented in the text have been quoted. This statement, entitled a "Vindication," is reprinted in Appendix V.

CHAPTER VI.

MR. DICKINSON'S CAREER AFTER THE DECLARATION OF INDEPENDENCE.

THE public life of Mr. Dickinson was eclipsed, but not extinguished, by the attitude he assumed in regard to the Declaration of Independence. He was certainly unpopular for the time with those who had usurped power in Pennsylvania, but the soldiers he commanded seem to have had at this time undiminished confidence in him. Within a week after the Declaration was adopted, news reached Philadelphia of the concentration of the British army, under Sir William Howe, on Staten Island. The army was accompanied by Lord Howe, the commander of the fleet, the brother of the general, who came as a commissioner to make proposals of peace under certain conditions. It was thought proper by Congress, however, in order to be ready to meet any emergency, to send a large force to the neighborhood of New York, either to defend that city or to oppose the advance of the enemy across New Jersey, as might be required. The five battalions of the Philadelphia Associators, forming a brigade, under Colonel Dickinson, were ordered to march forthwith towards New York. Dickinson's conduct on this occasion is beyond all praise. His duty as a soldier, he felt, was totally distinct from that as a legislator. Not a trace of irritability or of dissatisfaction with the treatment he

had received, which would have been so natural under the circumstances, appeared in his conduct. He sacrificed not only his opinions but his pride to the true instinct of patriotism, and he proved as loyal to his country in the field as if he had been defending there a cause which had been all his life dear to him. He felt keenly his position, but he was all the more anxious to do his duty, for the sentiment of devotion to his country seemed to absorb his whole life. The following extracts from letters written by him when we may suppose that he felt most keenly the unworthy treatment he had received are very characteristic:

John Dickinson to Charles Thomson.

ELIZABETH-TOWN, August 7, 1776.

. . . You may recollect circumstances that are convincing that my resignation was voluntary, I might have said ardent. Whether I shall ever put on the cumbersome robes (of public life) I know not and care not. However, for your Horatian hint of *rebus in arduis*, I will pay you with two of equal merit:

"Hic murus aheneus.

* * * * * *

"Justum ac tenacem propositi virum
Non civium ardor prava jubentium,
Non vox instantis tyranni."

I wrote about a week ago to Mr. Hancock, desiring Congress to open my English letters and send them to me.

Same to Same.

ELIZABETH-TOWN, August 10, 1776.

. . . The enemy are moving, and an attack on New York is quickly expected. As for myself, I can form no idea of a more noble fate than, after being the constant advocate for and promoter

of every measure that could possibly lead to peace or prevent her return from being barred up; after cheerfully and deliberately sacrificing my popularity and all the emoluments I might certainly have derived from it to principle; after suffering all the indignities that my countrymen now bearing rule are inclined, if they could, so plentifully to shower down upon my innocent head,—than willingly to resign my life, if Divine Providence shall please so to dispose of me, for the defence and happiness of those unkind countrymen whom I cannot forbear to esteem as fellow-citizens amidst their fury against me. Much rather would I wish that these severe masters would give me up to my dear connections. My books and my fields are intercourse and employment for which my constitution is better formed than for the toils of war, to cultivate which my temper is more disposed than to aspire to all the united glories, could I attain them, of every heroic death from the Roman Curtius to the British Wolfe.

Same to Mrs. Mary Norris.

. . . This moment Genl. Mercer has left my table. . . . Just as we were setting down to dinner he received an express from Genl. Washington, informing him that the enemy was making such movements that the attack on New York is expected every hour. . . . The enemy is about twenty or twenty-five thousand strong. Our troops intended for that service are passing with the utmost expedition to New York. Genl. Mercer is gone this afternoon to Newark to forward them. The fate of America will be decided in a few weeks or days. Genl. Washington has invited our militia to reinforce them. The duty is so evident, the occasion so vast, that I spoke to my battalion and offered to lead them to New York in defence of our country, our wives, children, and friends. I have not yet received their answer. . . . Whatever it may be, I feel a conscious satisfaction in having done what I OUGHT to have done, AND NO MORE. . . .

Be pleased to give my tenderest love to Cousins Debby, Isaac, Jose, and Charley. They must love my baby most dearly, and I hope she will deserve their sincerest affection.

I am, my dearest aunt, your affectionate and dutiful nephew,

JOHN DICKINSON.

ELIZABETH-TOWN, August 14th, 1776.

Mr. Dickinson's belief in the claim of the country to the services of all her sons when in danger is the true explanation of his conduct at this crisis. He wrote after the war, when reviewing the part he had taken in the struggle, "Although I spoke my sentiments freely,—as an honest man ought to do,—yet when a determination was reached upon the question against my opinion, I regarded that determination as the voice of my country. That voice proclaimed her destiny, in which I was resolved by every impulse of my soul to share, and to stand or fall with her in that scheme of freedom which she had chosen." It is not to be forgotten, as a commentary on these views, that Colonel Dickinson and Colonel McKean, each commanding a regiment and holding at that time opposite political views, were the only members of Congress who took up arms in its defence. With the same patriotic fervor is filled the speech delivered by Mr. Dickinson in Congress in 1779: "Two rules I have laid down for myself throughout this contest, to which I have constantly adhered, and still design to adhere: first, on all occasions where I am called upon, as a trustee for my countrymen, to deliberate on questions important to their happiness, disdaining all personal advantages to be derived from a suppression of my real sentiments, and defying all dangers to be risked by a declaration of them, openly to avow them; and, secondly, after thus discharging this duty, whenever the public resolutions are taken, to regard them, though opposite to my opinion, as sacred, because they lead to public measures in which the Commonwealth must be interested, and to join in supporting them as earnestly as if my voice had been given

for them. If the present day is too warm for me to be calmly judged, I can credit my country for justice some years hence."

Dickinson seems to have been illy repaid for his magnanimous course. It will be remembered that in the preceding month of May the Assembly had been informed by a message from some of the private soldiers of the battalions of the Associators that they would not submit to the orders of the general officers who might be appointed by that body to command them. The object of this dangerous movement on the part of the Whigs was to place the military force of the Province beyond the control of the Assembly. The Assembly seems to have made no attempt to disregard the order of this military mob, and, there being no general officers when the Associators were called into service, Dickinson, as the senior colonel, took the command. An election was held, however, by the soldiers, without any legal warrant, for two brigadier-generals in the mean time, but it was not confirmed by the Convention until the 28th of September. General Roberdeau, a violent Whig, but an excellent man, was chosen to supersede Dickinson. Meantime, however, Dickinson was under the command of General Hugh Mercer, a veteran officer highly thought of by Washington, who was afterwards killed at the battle of Princeton.

But the cup of indignity and humiliation forçed upon him by his enemies in Pennsylvania had not yet been wholly drained. The Convention which had been chosen to frame a new Constitution met on the 20th of July; the first of all its revolutionary acts—and all its acts of ordinary legislation were revolutionary—was to elect

a new set of delegates to Congress to replace those whose term had not expired, but who had offended the violent Whig partisans by refusing to vote for the Declaration. Mr. Dickinson was not re-elected, and the result seems to have made him, as it would appear to us, more angry than the occasion required. "I had not been ten days in camp at Elizabethtown," he said, many years after, "when I was by my persecutors turned out of Congress. While I was exposing my person to every hazard, and lodging every night within half a mile of the enemy, the members of the Convention at Philadelphia, resting in quiet and safety, ignominiously voted me, as unworthy of my seat, out of the National Senate." When the election of General Roberdeau was confirmed by the Convention on the 28th of September, Dickinson resigned his commission, on the double ground that the Convention, as an illegal body, had no right whatever to appoint military officers, and also because the design clearly was to insult him, although he had been faithfully performing his duties. His battalion, however, had by this time been much weakened by desertions, and that portion of it that was left was directed by General Mercer to join the "flying camp" after the battle of Long Island.

The first Assembly under the new Constitution met early in November. Mr. Dickinson, who had been chosen as a member from the county of Philadelphia, was firmly convinced, with many of his friends of all parties, that the Convention was an illegal and revolutionary body: illegal in its origin because in no proper way did it represent the people of the State, and revolutionary in its action not merely because it presumed

to form a State Constitution, but because it exercised all the powers of legislation, of which its election of delegates to the Congress and the appointment of military officers are examples. What the public sentiment was regarding the Convention and the Assembly sitting under its authority is well told by James Allen in his Diary.[1] Mr. Allen had been elected in May, 1776, by the county of Northampton a member of the legal Assembly by a vote of eight hundred and fifty-three to fourteen. This was one of the counties which a few weeks afterwards was said to have sent delegates to the Convention to frame the constitution of a new government, while Mr. Allen and his supporters were strong supporters of the old charter.[2] Mr. Allen says in his Diary, "Instead of immediately framing a new government, the Convention, unwilling to part with its power, continued to exercise all power till the voice of the

[1] *Pennsylvania Magazine of History*, vol. ix. p. 188.

[2] This James Allen belonged to perhaps the most conspicuous family in Pennsylvania just previous to the Revolution. It was a family of great wealth and of the highest social and political position. It was composed of the Chief Justice and his four sons. All of them were stanch defenders of the rights of the Province (most of them with arms in their hands) up to the Declaration of Independence, when they all became, or rather all continued to be, loyalists. Their course was in striking contrast with that of Mr. Dickinson. The personal popularity of Mr. James Allen, and the attachment of his constituents to the old order, are very significant. It would appear that some of the representatives under the new system in Pennsylvania were chosen very much as was Mr. Simon Boerum to represent one of the counties of Long Island in the Continental Congress, the meeting at which he was elected having consisted of two persons, one of whom became the chairman, and the other the delegate to represent the county.

people—that is, the Whiggist part—obliged them to frame a government and dissolve themselves, having made it a necessary qualification for electors and elected to swear to preserve their frame. This split the Whigs to pieces, the majority disliking the frame, and therefore not voting for the new Assembly, which was of course chosen by very few. In some of the counties the oath was dispensed with. The papers now teemed with strictures on the frame of government. The Assembly was chosen and sat; the minority, who disliked the frame, threatened to leave the rest if they proceeded to business, which would have left less than a quorum, till the Congress, when the enemy were expected in Philadelphia in December, sent them word that if they did not agree to act as an Assembly they would take the government of Pennsylvania into their own hands." This humiliating condition of affairs here was the legitimate outgrowth of the revolutionary Convention, and of the manner in which it had been brought together.

At this crisis, Dickinson, as always in difficult times, strove to bring order out of the chaos in which the revolutionists had involved the State. On the first day of the meeting of the Assembly he proposed the following plan to extricate it from its embarrassment. "On behalf of myself and of others, my constituents," he said, "I agree that we will consent to the choice of a Speaker, sit with the other members, and pass such acts as the public affairs may require: provided that the other members, the majority, will agree to call a free Convention for a full and fair representation of the freemen of Pennsylvania, to meet on or before the —— day of January next, for the purpose of revising the Constitution

framed by the late Convention, and making such alterations and amendments therein as shall by them be thought proper, and making such ordinances as the circumstances of affairs may render necessary: provided that no part of said Constitution be carried into execution by this Assembly, and provided that this Assembly be dissolved before the meeting of the Convention."

This proposition was not accepted by the Assembly, and Mr. Dickinson, disdaining to sit and legislate in a body so illegally constituted, retired from it. He left it, as he says, with a firm resolution on three points: 1st, that he would never again hold any office, civil or military, under such men; 2d, that he would retire to another State, where his services might be better appreciated; and, 3d, that he would volunteer as a private soldier on the next call for the militia.

Mr. Dickinson's determination to retire from public life at this time was unyielding. His "wounded spirit," tortured by the distrust in his course shown by his enemies and by what he considered the want of a proper measure of support by his friends, so disgusted him with the public service that he did not feel called upon to remain longer in a position in which he felt that he was looked upon by many as having outlived his usefulness. He had many warm and devoted friends still, and they tried to convince him that he had been made morbidly sensitive by the treatment which he had received. In November he was elected by Delaware one of her delegates in Congress, but he declined absolutely the honor, without assigning any reason for his refusal. Perhaps the state of his mind at this time is best por-

trayed in the two letters which we annex, from his friends Charles Thomson and Dr. Rush. It will be observed that they both remonstrate with him upon his retirement as a serious loss to the great cause in which they were all engaged.

Charles Thomson to John Dickinson.

SUMMERVILLE, Aug. 16, 1776.

DEAR SIR,— . . . You and I have differed in sentiment with regard to the propriety of certain public measures,—not so much about the measures themselves as the time, which you thought was not yet come. But from the prejudices that I find prevail, and the notions of honor, rank, and other courtly ideas so eagerly embraced, I am fully persuaded, had time been given for them to strike deep or root, it would have been extremely difficult to have prepared men's minds for the good seed of liberty.

I know the rectitude of your heart and the honesty and uprightness of your intentions, but still I cannot help regretting that, by a perseverance which you were fully convinced was fruitless, you have thrown the affairs of this State into the hands of men totally unequal to them. I fondly hope and trust, however, that Divine Providence, which has hitherto so signally appeared in favor of our cause, will preserve you from danger and restore you, not to "your books and fields," but to your country, to correct the errors which, I fear, those "now bearing rule" will inflict through the form of government.

There are some expressions in your letter which I am sorry for, because they seem to flow from a wounded spirit. Consider, I beseech you, and do justice to your "unkind countrymen." They did not desert you. You left them. Possibly they were wrong in quickening their march and advancing to the goal with such rapid speed. They thought they were right, and the only "fury" they showed against you was to choose other leaders to conduct them. I wish they had chosen better: that you could have led them or they waited a little for you. But sure I am, when their fervor is abated, they will do justice to your merit, and I hope soon to see you restored to the confidence and honors of your country.

I am glad to hear you continue hearty.

We have flattering accounts from Canada by some Canadian officers who have joined our army. I hope they will prove true.

Order and harmony are returning to our northern army, and if it please Providence to dispel the dark cloud that hovers over New York, I fondly hope the sun of peace will quickly shine upon us. May that gracious Providence in which I know you place your confidence protect and preserve you. . . .

Adieu. I am your sincere and affectionate friend,

CHAS. THOMSON.

Dr. Rush to John Dickinson.

MY DEAR SIR,—While I disapprove most heartily of the coalition of parties in the Assembly, I cannot help lamenting that you have left the House upon the account of it. The members from Westmoreland and Bedford will turn the scale in our favor as soon as they come to town, and we shall have a convention and a consistent legislature in spite of all their cunning and malice. For the present it becomes us to unite *heart and hand* in repelling the common enemy. The eyes of the whole city are fixed upon you. We expect, we are sure, you will head your battalion. All our hopes of your future usefulness in our State depend upon it. Mr. Howe cannot mean to winter in Philadelphia, unless he is invited here by the slender opposition Gen. Washington now makes against him. A body of ten thousand militia will certainly terrify him into winter quarters. The safety of the continent depends upon the part Pennsylvania will take upon this occasion. The whole State of Pennsylvania will be influenced by the city of Philadelphia, and the city waits only to see what part you will take upon the occasion. Excuse the liberty I have taken of suggesting these hints, and believe me to be, with the most sincere regard, your most affectionate humble servant,

BENJ. RUSH.

PHILADA., Dec. 1st, 1776.

JOHN DICKINSON, ESQ., at Fairhill.

On the 11th of December, upon the rumor that the British army was approaching Philadelphia, he removed with his family to his farm near Dover, in Delaware. There he had abundant opportunity during the next

two years to ponder upon the mutability of human affairs and the ingratitude of mankind. He did not again return to Pennsylvania until the people of that State, tired of the unsuccessful attempts of their rulers to bring the Constitution of 1776 into satisfactory working order, called him again to her councils in 1782. His family seems to have returned to Philadelphia. In October, 1777, he writes the following letter to his wife on the occupation of the city by the British army:

"October 30th, 1777.

"MY DEAR WIFE,—Mr. Mifflin has been so kind as to undertake to come from Philadelphia with you and our dear child. I heartily rejoice in such an opportunity. Come immediately. Don't trouble yourself with bringing any of my clothes; but request our kind aunt that they may be safely put up. I should like to have the day-book brought, if not inconvenient. The carriage is at Bringhurst's; the harness James has. Mr. Mifflin engages to provide some way of getting you out of town. I wish you to lodge the first night at the Humphreys's; the next you may get to some friend's at Wilmington. I entreat that you will not cross the Ferry of Christeen. I also earnestly desire that you will not pass any ferry or bridge in the carriage; I beg earnestly that you and our precious one may get out at such places. Please to bring the bark in gross, and put up the powdered bark in some dry and safe bureau or drawer. I dread your coming in a two-wheeled carriage. If any of your friends supply you with horses they shall be well taken care of."

He passed his time in the society of his "fields and books," which he so dearly loved, seeking therein that repose for body and spirit which, after the excessive labors of the two preceding years, he so sorely needed. His health had never been robust, and doubtless the hope of its restoration induced him to decline the election by his ever-faithful friends in Delaware, on the 5th

of November, 1776, to the post of delegate to Congress from that State.

It certainly is one of the curiosities of political experience that at the very time that he was driven from public life in Pennsylvania by the violence of the party opposed to him he should have been besought by men apparently of the same national party in Delaware to accept office at their hands. To an active spirit such as that of Dickinson, residence in Delaware without any official relations to the public, although he was constantly surrounded by kind and considerate friends, must have seemed almost like exile. Doubtless he watched with the deepest anxiety the movements of the British army at that critical period: its object had evidently been from the beginning the occupation of Philadelphia. Sir William Howe, having been foiled in his attempt to approach the city from the north by the victories of Washington at Trenton and Princeton during the winter of 1776–77, decided, during the summer of 1777, to advance on it from the south. For that purpose, his army was sent by way of Chesapeake Bay to the head-waters of the river Elk. Washington moved southward from Philadelphia to repel this advancing force, and in September, 1777, the battle of the Brandywine was fought. Meanwhile, the State of Delaware was exposed to the incursions of the enemy on both sides, and Cæsar Rodney, the president of the State, was called upon by Washington to raise a force sufficient at least to harass the invaders, and, if possible, to cut off the retreat of the army to their ships at the head of Elk in case of their defeat. President Rodney gathered together the militia of

Kent County, which was in the rear of the invading army, for that purpose. Of the men and the officers composing this force we know little, save that John Dickinson is represented to have served with it as a private soldier in the company of Captain Stephen Lewis, and that he was present with it at the battle of the Brandywine.[1] We may be sure, however, that whatever he did in the military service at that time he did well; for on the 24th of September, less than two weeks after the battle of the Brandywine, he was appointed by his old political opponent, Thomas McKean, who was then acting president of Delaware in place of John McKinley, who had been made a prisoner of war, and Cæsar Rodney (the vice-president), who was then engaged in military duty, a brigadier-general of the militia of that State, an office which, however, he held for a few months only. Nothing, it may be said, is more interesting in the whole career of Dickinson than these instances which are constantly brought before us of what has been sometimes rather inappropriately called his "magnetic power." Not only does he seem to have had many warm friends, and of course, like all men of strong character, many bitter enemies, but he had also the power of attaching to himself in a very remarkable degree many of those from whom he differed very widely in political opinion. His earnest sincerity, his transparent integrity of motive, the amiability of his manners, and the unmistakable kindness of his heart were such conspicuous traits of his character that they disarmed such opponents as the warm-hearted and im-

[1] I make this statement on the authority of the late William D. Lewis, Esq., who, if I mistake not, was a son of Captain Lewis.

petuous McKean and took away from their enmity all its sting. This appointment of Dickinson to such a post as that of brigadier-general by a man like McKean, who had known all about him from his earliest manhood, and who recognized at once, if any one ever did in those gloomy days, the true ring of patriotism when he heard it, is highly creditable to both. We may add that it is one of the strongest indications we have of the high reputation of Dickinson at that time as a sincere lover of his country, especially as it comes from the leader of that party in Pennsylvania which had driven Dickinson into exile.

But the true sphere for the activity of such a man as Dickinson at this crisis, as all his friends felt, was the national Congress. His experience in that body was invaluable. He had been superseded, as we have seen, as a delegate from Pennsylvania by the Convention of that State on the 20th of July, 1776, but he was returned with great unanimity by Delaware as a member of that body on the 17th of November in the same year. He was prevented, however, by causes which we can only conjecture, from taking his seat at that time. On the 18th of January, 1779, he was sent again by Delaware as a delegate to Congress. On his return to that body he found that the condition of the country and the relations of Congress towards it had been much changed in the interval. In July, 1776, the prospect of successful resistance had appeared to the majority of Congress bright and hopeful. A measure had just been adopted which it was supposed would add much to the force of the country, by making the struggle one for maintaining its independence rather than for securing a re-

dress of grievances. The members of that body were then, without doubt, the foremost characters of the country, most truly representing the different shades of opinion in its different sections, and all were ready to yield their own private convictions for the advancement of the common cause. At that time, too, the success of our arms at Lexington and Bunker Hill and the evacuation of Boston had inspired every one with the hope of a speedy and successful termination of the war. Money for its successful prosecution seemed abundant, each Colony vying with its neighbors in sending men, fully organized and equipped, at its own expense towards New York, the point then threatened with invasion. But, alas! in 1779 these bright and hopeful days had long since gone by, and a gloom black as Erebus had settled down upon the hearts of the patriots, eclipsing, if not extinguishing, all their joyful anticipations. The defeat on Long Island, the advance of the British army across New Jersey, the subsequent occupation of Philadelphia, although the dark picture was somewhat relieved by the brilliant affairs at Trenton and Princeton and by the surrender of Burgoyne's army, showed unmistakably that, as in all wars, so especially in this, if success was in the end to be reached, the path which led to it was beset by many obstacles which, except to the eye of faith, appeared insurmountable. The consequence was that in the year 1779 to many there appeared no prospect of raising more men and more money, and that meant, of course, that the end was near. The Continental paper money had by that time become almost valueless, and the supply of men for recruiting the army seemed exhausted. It

was the period of the war when men of stout hearts and iron wills were most needed; when men like Morris and Rush and McKean strove to revive and uphold the drooping spirits of their countrymen by earnest appeals to their patriotism. These men turned to the counsel and example of John Dickinson to guide them in the difficult path upon which the Revolution had entered. He was welcomed back to Congress most warmly by those who looked to him for aid and support in the arduous work which they had undertaken.[1]

Amidst all the gloom by which the country was surrounded at the time of Dickinson's return to Congress there was one bright spot, and that was the alliance with France, concluded in 1778; yet such were the general despondency and impatience that many could not

[1] Mr. Jay, then president of Congress, wrote him the following letter of congratulation on his election. It will soon be seen how much Mr. Dickinson's advice was needed in the very important affairs then before Congress:

John Jay to the Honorable John Dickinson, Esq.

PHILADELPHIA, March 22d, 1779.

DEAR SIR,—Your election to a seat in Congress is an event for many reasons pleasing to me. I have for some time past flattered myself with soon having the pleasure of again seeing you in a place which you formerly filled with advantage to your country and reputation to yourself.

Permit me to hint that your State is unrepresented, and that were you apprised of the very important affairs now under consideration, you would think with me that your attendance ought not to be longer delayed.

I am, dear sir, with great respect,
Your most obedient and h'ble servant,
JOHN JAY.

THE HON'BLE JOHN DICKINSON, ESQ.

see its vital importance in bringing about the result; and to others, with their English traditions, nothing seemed so unnatural as an alliance with a power both French and Catholic, with which we had always been contending upon this continent, and the manners and religion of whose people our fathers had always been taught to hold in abhorrence. The truth is that in the war of the Revolution, as in all wars waged for the maintenance of a principle, our countrymen were to learn that what was needed as the true characteristic of the popular judgment of a war which had been entered upon with an unreasoning enthusiasm ought to be not so much "hopefulness or impatience of immediate results as a stern endurance,—that king-quality of heroic constancy, which, rooted deep in a profound conviction of the justice of the cause, supports a lofty public spirit equally well in the midst of temporary disaster and in the hour of assured triumph."

When Dickinson took his seat in Congress in the spring of 1779, he found not only a wonderful change in the condition of the country, but also that many of the ablest men whom he had left there in 1776 had left their seats. Not only were the times more difficult, but the men who were to confront the danger were far less capable in every way than their predecessors. From Virginia alone, Mason, Wythe, Jefferson, Nicholas, and Pendleton were gone; John Adams and Franklin were Commissioners abroad, and Jay was soon to become one. No means had been taken to restore the currency, ruined by an unrestricted emission of paper money, except frantic and senseless appeals to the States to enforce the circulation of worthless paper as

money. There was no national money in any true sense, because Congress had no power of taxation, and the States refused or neglected to pay the quotas for which they had been assessed for the public service. There were no more men forthcoming to fill up the depleted ranks of the army, because each State retained in its own service the men it saw proper to enlist, so that at that time there were thirteen petty armies, and no Continental army which could be relied upon for effective service, because its numbers could not be kept up. Men who were most familiar with the condition of public affairs were sunk in despondency; and even the serene Washington himself did not hesitate to say in his private correspondence that in his opinion "America was on the brink of destruction, and that her common interests, if a remedy were not soon to be applied, would moulder and sink into irretrievable ruin." All this was clear before men's eyes, but to those who had the responsibility of governing at this critical time there were dangers impending, arising from a well-founded distrust of the French alliance, from which even our success in the war would not screen us.

Such was, in brief, the situation when Mr. Dickinson returned to Congress. He took his seat on the 23d of May; he bore with him the ratification of the Articles of Confederation by the State of Delaware, which had been made on the 3d of the preceding February. As Congress was then in a condition in which good news and favors, however small, were thankfully received, no doubt this act of the representative of Delaware helped to make him in that Congress *persona grata:* at any rate, Congress was not long in turning to him for advice.

He was appointed chairman of a committee to prepare an address to the States on the perilous condition of the finances. On the 26th of May this address was presented, and adopted by Congress. It was hoped that, all other expedients having been exhausted, the voice of one to whom they had been accustomed to listen would be heeded. This was the fifth and last of those memorable State papers issued by Congress and prepared by Mr. Dickinson, and it is interesting to us principally from the enumeration which it gives of the embarrassments and difficulties by which Congress was surrounded. If it did not rouse the people of the different States to action or force them to change their policy, it had upon them an indirect effect not without its value. It drew the attention of the people to the defects of the central government under which they were living, and showed them in a forcible way how utterly unfitted it was for the functions which a government is called upon to exercise in time of war; and hence it tended, with other things, to impress upon them the absolute need of a better plan to accomplish its ends. Thus, out of the countless embarrassments which surrounded Congress in the prosecution of its special work arose an intense conviction of the necessity of a more perfect union. Rhetoric and argument might in themselves be of little avail, but they at least quickened the apprehension of those who were searching heaven and earth to find new force and greater strength.

In February, 1779, Spain offered her friendly mediation to Congress, with the view of securing peace. This was probably the "very important affair" referred

to in Mr. Jay's letter to Mr. Dickinson, and the many questions involved in the proposal demanded the ability and experience of the best men in Congress for its safe settlement. We had long sought for the alliance of Spain, and hoped that through the influence of our ally, France, she would give us more active aid and sympathy than she had hitherto done. She now offered her services in the neutral office of mediator. But her situation was peculiar. Not only did she look with an apprehension not unnatural upon all colonial revolts, but she also feared England, and she hoped to gain for herself as the price of her mediation certain advantages of a territorial kind which she could not have ventured to ask for as our ally. She wished to be confirmed in the exclusive possession of the Valley of the Mississippi and to retain Florida, so as to maintain her influence in the Gulf of Mexico, and these advantages she hoped to gain at a general peace. The French were tired of the alliance, as it entailed an enormous drain on their treasury, and they were anxious to be confirmed in their claims to the fisheries on the coast of Newfoundland, which they hoped also to secure at a general peace; and hence all the influence of the Bourbon family compact was brought to bear, so that Spain, if she could not be induced to be our ally, might gain her ends as well as those of France by acting as a mediator.

It was thought wise, at the instance of Gérard, the French minister, to listen, at least, to these proposals of Spain. The terms which we would agree upon as the price of peace, especially our position in regard to the fisheries and the Mississippi, were warmly discussed in Congress for many days. The Southern members,

whose territory was overrun by the enemy, favored peace, and insisted that the dispute about the fisheries was too small a matter to prove an obstacle to attaining it, while the New England men regarded the control of the navigation of the Mississippi as hardly worth contending for. The result was, as appears from the secret journals of Congress, that instructions were at last agreed upon by which Mr. Adams, Dr. Franklin, and Mr. Jay, our Commissioners respectively in England, France, and Spain, were to be guided in the negotiation. In these instructions, prepared by Mr. Gouverneur Morris and Mr. Dickinson, the terms on which we were willing to accept mediation and conclude peace are distinctly stated. This negotiation, as is well known, came to nothing. The most interesting thing about it at this time is the tone which our fathers, and Mr. Dickinson as representing them, maintained in regard to concluding peace in that darkest hour of the war. We have the draft of the instructions to Mr. Adams, our Commissioner in England, prepared by Mr. Dickinson, which was substantially approved by Congress. In regard to the recognition of our independence,—the form as well as the substance,—and our claims to the fisheries and the boundaries, it took the same ground which was successfully taken by our negotiators in 1783 at the Treaty of Paris.[1]

Mr. Dickinson resigned his seat in Congress in the autumn of 1779, and returned to his farm in Delaware. In 1781 he was elected a member of the Supreme Executive Council of that State, and shortly afterwards (unanimously) its president. Both of these offices

[1] See Appendix VI.

were literally forced upon him; he was obliged to serve in spite of his protestations and refusals, because in those times of trial he seems to have been regarded not only as the most brilliant of all the galaxy of brilliant men in public life, but also as the most trusted, by men of all parties of that little State.

In 1782, Mr. Dickinson determined to return from Delaware to Philadelphia. The anti-Constitutionalists there, who by that time had gained a majority in the Assembly, and who earnestly desired to retain their ascendency and to keep their opponents, whom they still regarded as revolutionists of a very bad type, out of office, struggled hard to secure a majority in the Council and thus choose a president of their own party. They were much aided by the anarchical condition of the State government at that time. Never, indeed, in its history had the affairs of Pennsylvania been brought to such desperate straits as during the administration of President Reed, which was now closing. This was certainly not entirely due to defects either in the policy or in the methods which the president had employed, but in a great degree was the result of evils which were inherent in the condition of affairs at that time, and which grew necessarily out of a state of war. The era of the Declaration was called by Paine the "times that try men's souls;" these may be styled the "times which try men's tempers and capacities." The difficulty was substantially a financial one. The regiments for which the State was responsible were ill fed, ill clothed, and unpaid during the last two years of the war, and were at length driven by their sufferings into mutiny, and all this was mainly due to the worthless-

ness of the currency in which they were paid, consisting of State obligations becoming more and more depreciated as increasing amounts were issued. There was a false theory of the currency prevalent at that time which pervaded the minds of vast numbers of the people, and faith in this theory was the true source of all our woes. It was generally believed that the people could be forced to take anything as money at its nominal value, provided that the penalties for refusing to take it were made sufficiently severe and constantly enforced. The persistent attempt to carry out such a system during the administration of President Reed (who, to do him justice, was under no delusion as to the true cause of the trouble) led to a state of confusion unparalleled in the annals of the continent. Embargoes, legal-tender laws,—even martial law,—were tried as remedies, but they could not stay the rapid decline in value of the paper-money currency. Wedded to a false theory, those who suffered turned with violence not only against their rulers, whom they regarded as the authors of their misfortunes, but also and especially against those who were supposed to have made their fortunes at the price of the public distress, and in many cases these were pointed out as fit objects of popular vengeance. The refusal to receive paper money in payment of debts contracted when hard money was current was looked upon as a species of *petit treason;* while he who would not sell his goods, to be paid for in such worthless paper, was spoken of as an ill-disguised enemy of the Revolution. This short method of confiscating the property of the creditor class of the community not only changed the status of

very many of those who were utterly helpless to resist, but also destroyed those endowments of charitable institutions, which by the wish of the donors had been invested in mortgages, the debtors taking advantage of the depreciated currency, especially in the case of the College of Philadelphia, to cancel their obligations. Many looked upon their distress as the result of a cunningly-devised scheme on the part of the Tories to disgust and weary the patriots with the war. They could not understand how there should be such a paralysis of the functions of industrial life, while the harvests of Pennsylvania continued abundant and when Lord Cornwallis's army had surrendered.

To the public and private distress, caused by the scarcity of food and by the nominally high price it commanded, were to be attributed the disorders and disturbances of the public peace which marked the administration of President Reed. The revolt against the so-called monopolizers of goods,—commonly called the "Fort Wilson Riot,"—the proclamation of martial law, the perpetual embarrassments which attended the recruiting of the army, and the meeting of the Pennsylvania line in 1781 at Princeton, where the soldiers positively refused to serve any longer a State which had so often deluded them by false promises,—these troubles, combined with the high price of all the necessaries of life, forced upon many men the belief that a hope of remedy lay only in the revision of the Constitution of 1776. To its numerous patent defects, and not to the violation of natural laws, many were disposed to ascribe the evils from which they suffered. Parties were formed in the State called the Constitutional and

the Republican, the latter urging a revision of the Constitution as the panacea for all ills. In November, 1778, the Assembly, tired out apparently with the dispute, and unable to suggest any other remedy for pressing evils, had agreed upon a plan for revision; but in the succeeding February, from motives which it is not now easy to explain, they reversed their vote almost unanimously. Probably it may have been felt that it was as dangerous to change the organic law at that time as it had been in 1776; and no further effort was made by the legislature to revise the Constitution until long after the war had terminated. Practical unanimity on this point, however, did not calm the violence of party spirit: each was most bitter in its denunciations of the other, although neither had any scheme to propose which would now be recognized as effective to cure the evil from which all were suffering. Those who told the truth, and who found the cause of the trouble in the measures which the masses of the populace on both sides advocated, were the enlightened men of both parties, who were not listened to by those who controlled the votes.

Such is a sketch of the demoralized condition of the State when President Reed gave up his office. He had tried in vain to make his fellow-citizens understand that revolutions cannot be long kept up upon an overstrained credit. The main question before the new administration was how to extricate the State from the "slough of despond" into which this popular faith in paper money had plunged it. Mr. Dickinson had been elected in 1782 a member of the Council from the County of Philadelphia, and in November he was chosen by the legislature president of the Council by a vote

of forty-one to thirty-two given to General Potter, a distinguished Revolutionary officer.[1]

[1] His return to Philadelphia, and his election, first as a member of the Council, and afterwards as its president, seem to have been the occasion of much rejoicing among his friends. The following letters bear strong testimony to his popularity at the time:

Dr. Rush to John Dickinson.

MY DEAR FRIEND,—I expected from your note that you would have left town yesterday. The day is at last come that will give freedom and happiness to Pennsylvania. The country will vote *nearly* as *one* man in your favor. Take care of your *health* in your excursion to Delaware. The wishes, the hopes, the affections of every good man in *our* State now centre in you.

Yours—yours—yours,

BENJ. RUSH.

Tuesday morning, Octob. 10th, 1782.

From the Officers of the Continental Army.

To his Excellency John Dickinson, Esquire, President of the Supreme Executive Council of Pennsylvania, &c. &c.

We, the subscribers, officers of the troops of Pennsylvania in the Continental army, beg leave to present our congratulations on your appointment to the high office you now fill.

Deeply interested as we are in the happiness and prosperity of our common country, to procure which we have given our united exertions under very great difficulties, we consider your appointment as the returning dawn of that temper and good sense which long distinguished Pennsylvania, and augur to ourselves and the community great advantages from a person of such known abilities and integrity, and who has had so distinguished a part in bringing about the present revolution, being placed at the head of the government.

That your administration may be attended with lasting blessings to the people over whom you preside, which can alone render it satisfactory to your enlarged mind, is the sincere wish of,

Sir, Y'r Excell'y's very h'mble serv'ts,

OFFICERS OF THE CONTINENTAL ARMY.

October, 1782.

Mr. Dickinson was, of course, an anti-Constitutionalist, or Republican, as the party in favor of revision was then called, and he was at the outset supported by a majority of the members both of the Council and of the Assembly. His administration opened with a favorable omen,—the sudden and total discredit of the paper money of the State and the restoration of the currency to the specie basis. "It was effected," says President Reed, in a letter to Mr. Searle written in the spring of 1781, "really and truly by the people themselves gradually depreciating the money until the exchange rose to two hundred and fifty and three hundred for one (hard, or in specie). Ostensibly, it was occasioned by a decree of the Supreme Executive Council that it should be received in payments at the rate of one hundred and seventy-five to one. At once, as if by that force which in days of ignorance would be ascribed to enchantment, all dealings in paper ceased; necessity forced out gold and silver, a fortunate trade opened at the same time to the Havannah for flour, all restrictions were taken off, and the Mexican dollars flowed in by thousands."

The president of the Supreme Executive Council of Pennsylvania was a man of more limited power in ordinary times than his successors, the governors of that State. He was chosen by the Council, whose members were elected from certain districts of the State, and he exercised the executive power jointly with this body. The legislative power was vested absolutely in one body, in accordance with a favorite theory of Dr. Franklin, which, by the way, he strove hard to introduce into the Constitution of the United States. There was another part of the government machinery, a body

of men called the Council of Censors, whose business it was to meet every seven years and to examine whether during that period the laws had been duly enforced. The president held his office for one year, but it was customary, when his administration had been satisfactory to his party, to re-elect him until he had served three years, after which he was ineligible. Thus Mr. Reed, Mr. Dickinson, and Dr. Franklin each held the office for three years. In ordinary times the position was not one of any great or controlling influence, but in war time, when the State authorities were necessarily in constant correspondence, and expected to be in constant co-operation, with the Federal government in regard to the raising of men for recruiting the army and of money for the needs of the government, the office, in the midst of unparalleled public distress and embarrassment, was one which required men of extraordinary capacity and energy to fill it with any degree of success. In 1780, as we have seen, it had been necessary to proclaim martial law,—that is, the suspension of all law save the will of the president and Council,—in order to preserve the State from falling into absolute anarchy. Although the war was drawing to a close when Mr. Dickinson entered upon his office, and he was spared the constant struggle which his predecessor had undergone in his efforts to find money in an empty treasury and soldiers in an exhausted and demoralized populace, still he met with embarrassments and difficulties peculiar to the time, which it required the most enlarged capacity and statesmanlike ability to surmount.

The people of Pennsylvania of all parties, with an instinctive sense that the Constitution of 1776 was, at

its best, only an untried experiment in government, adopted, as we have said, out of deference to the great name of Franklin, had placed at the head of the government those whom they believed to be the ablest and most experienced public men in the State, and from them something worthy of their great reputation was naturally expected. This may in a certain degree explain the fact that no three governors of Pennsylvania since the Constitution of 1776 was abolished can compare, in intelligence, patriotic service, and general statesmanlike ability, with Reed, Dickinson, and Franklin, however great the shortcomings of some of them may have been. It is not to be forgotten that Dickinson had been a strong opponent of the Constitution of 1776, or, rather, of the manner in which it had been set in operation, and that he had gone so far, in November of that year, as to decline acting as a member of the legislature elected under its supposed authority. But he had been convinced by the events of the past six years that the majority of the people of the State were at least content to live under it quietly until more propitious times should come for revising it. In the mean time he took sincerely the oath to support it while he exercised the powers it conferred upon him as the chief of the Executive Council.

Mr. Dickinson was not permitted to assume office until after he had been exposed to a most violent and scurrilous attack in the newspapers by an anonymous writer who signed himself *Valerius*. The attack began by a letter in the *Freeman's Journal* of the 30th October, 1782, and was followed up, after Mr. Dickinson's election as president, by several other letters from the

same source, in which the bitterness and malignity of the writer were more conspicuous, if possible, than in the first. Mr. Dickinson, with that dignity of character which he maintained in all his political controversies, and with that consciousness of rectitude of intention which seems to have sustained him in all his trials, took no notice of this perfidious assault upon his acts and motives until after his election. He was, doubtless, unwilling that he should owe his office to any personal denial of the charges which were made against him. He neither said nor wrote anything in the way of explanation until it was ascertained that these calumnies had had no influence upon his friends, who, for their sake, not his, were urging his election. So far as can be known, the stories of *Valerius* concerning Dickinson's want of patriotism, his unscrupulous ambition, his cowardice, and his desertion of duty in the hour of danger, did not take from him a single supporter. He waited quietly until confidence in his personal character had secured his election, and when the bitterness of his adversary had exhausted itself, so far as it could exhaust itself in the newspapers, he published his vindication, which, to any man who has studied his career and watched carefully the steps of his progress, seems complete and satisfactory. Who *Valerius* was has never been distinctly known, and his identity has been, perhaps, as difficult to fix certainly as that of the author of the letters of Junius. Like the attacks of that famous libeller, the letters of *Valerius* are more remarkable for boldness of invective and unscrupulous ascription of bad motives than for any influence or impression which they made upon the public mind at the period when

they were written. As these letters are the source from which posterity has drawn the materials for the libels which have done so much to misjudge and injure, in the eyes of posterity, the man who had the moral courage to refuse to vote for the Declaration of Independence because he thought it inopportune, it will be necessary hereafter to refer to the explanation which Mr. Dickinson thought proper to give of the circumstances upon which they were founded. Meantime, the fact that they were believed at the time by all his friends to be false and malicious, and that Mr. Dickinson, after having served one year as president, was unanimously re-elected to that office on two successive occasions, would seem to show that the impression made by them was not very permanent.[1]

Perhaps this is the place where we may best consider the vast part played by anonymous libels upon prominent men during the Revolution, and, indeed, during the remaining years of the eighteenth century. They were all liable to assaults of these nameless calumniators. It will be remembered that General Washington himself, when the Conway Cabal was about maturing its treasonable designs, received from Governor Henry of Virginia an anonymous letter which had been sent him, and which afterwards was proved to have been written by one of the most eminent men in the country, suggesting that the General-in-Chief was unfit for his place, and urging the necessity of replacing him. It was the day of coarse abuse and cowardly attack: all that the libeller needed was a ready pen and the capacity to write pure, nervous, direct Saxon English, like

[1] See Appendices V. and VII.

Paine and Cobbett, and his writings might convey the vilest insinuations against men whom he dared not attack except with visor down. Nothing was so common at that time as to impute wrong and unpatriotic motives to one's opponents, as, indeed, has always been a favorite device in times of revolution. The private character of men in official station was as open to assault as their public acts. Let a man be a ready writer, and, although his words, read by his contemporaries, would be looked upon with an incredulous smile by those who had occasion to know their falsity, yet these words remain in history, with the venom they contain preserved in the vehicle which has brought them down to us, without the antidote which rendered them harmless when they first appeared. The wonder is, not that Dickinson was attacked by *Valerius*, but that, prominent as he was, and peculiar as was his position, he was not made more frequently the target for anonymous libellers. When Washington himself was called by a writer on Jay's treaty, among other hard names, "a fool by nature, exhibiting all the ostentation of an Eastern bashaw;" when we recall the libels of Thomas Paine and Peter Porcupine; when Dr. Rush asserted that some people were advised not to take his remedies for yellow fever because he had signed the Declaration of Independence,—others might complain, but they could not wonder if they received similar treatment. This virulent abuse of men whom we now regard truly as the best of their time was then the disgraceful characteristic of the newspapers on both sides. Such assaults now seem the most senseless of clamors. When we read these libels now, in the hope of finding in them

the grain of truth which some of them contain amidst a bushel of chaff, our curiosity is often repelled by the vileness of the story through which we have to wade to accomplish our purpose.

No one, too, can read these libels without being convinced of the falseness of the opinion which holds that our forefathers, in their political controversies, were more decent, truth-loving, and respectful in their manners towards their opponents, and less given to imputing bad motives to their political adversaries, than the men of our own time. Many of the subjects which led to the acrimonious disputes of the last century were lacking in those features of importance which would justify such coarseness, to say nothing of the mode of showing it, among public men at the present day. To speak now only of questions the discussion of which was conducted with the greatest heat after the Revolution was closed, it is not, perhaps, to be wondered at that men became excited over the interpretation of the Constitution or the wisdom of Jay's treaty and other measures of equal importance; but who would not be tempted now to smile, could he forget how many true hearts were wounded, by assertions, confidently made, that a large portion of the best men in the country were monarchists because they were Federalists, or that the Democrats were Jacobins and infidels because they looked with sympathy upon the French Revolution; that the funding of the public debt was proposed as a means of establishing an aristocracy; that General Washington's levees, and his delivering his speech in person instead of sending a message to Congress, were designed to familiarize the people with monarchical

forms; that the Constitution of the United States was designed for a monarchy that was to be established; that the Society of the Cincinnati was either the outgrowth or the parent of a conspiracy to establish a monarchical government, with all its forms, here? Yet these chimerical—we are almost tempted to call them silly—disputes, which we have so happily outgrown, formed in the days of our forefathers the great topics of political controversy. From the wretched imputations which these political discussions occasioned, few men in public life at that time, no matter how exalted their station or how devoted their services to the country, wholly escaped. Such methods of political warfare we should scorn to engage in now, low as the ethical tone is; nor would public sentiment, degenerate as we are said to be as compared with our fathers, suffer it to be done.

Scurrilous political libels, or, rather, libels for political purposes, had become so common during a considerable portion of Dickinson's career that they naturally did not produce an effect commensurate with the efforts which were made to inflict upon him their venomous sting. In Mr. Dickinson's case, partly from the bitter malignity of the attack, partly from the extraordinary vigor with which the letters of *Valerius* were written, partly from the gross injustice which every one of ordinary intelligence must have seen was done to the motives of all Mr. Dickinson's acts, and partly, and, we may hope, principally, from the complete vindication of his political conduct which Mr. Dickinson saw proper to publish, these productions of *Valerius* have outlived the oblivion which has completely covered the countless other

political libels of which that age was so prolific. The principal interest now attaching to the letters of *Valerius* and the vindication of Mr. Dickinson which they called forth is the picture which they furnish us of Mr. Dickinson's career during the Revolutionary era as viewed by his political adversaries. In this respect they are important contributions to the history of the times.

The charges against Dickinson by *Valerius* are grouped, in his "Vindication," under four heads: 1, his general opposition to the independence of the country; 2, his desertion of the battalion of militia under his command in December, 1776, when an attack on Philadelphia was expected; 3, his persistent opposition to the State Constitution of 1776; 4, the advice given by him to his brother not to receive Continental paper money in payment of debts due him. A few sentences from the first letter of *Valerius* will give an idea of his style and animus:

"His worst enemies cannot deny that he has a mind well improved by education, reading, a good professional knowledge of the law, a slow but elegant pen, and the manners of a gentleman. He possesses a boundless ambition, savoring too much of personal gratification, no small degree of dissimulation, passions naturally strong and under unequal command. He was the early and persevering enemy of the independence of America. He has neither the firmness nor the decision of mind for trying occasions, and after sounding the trumpet to others and engaging himself in civil and military offices he shrank from his duty and abandoned the cause at a time when his distressed country required his services the most. This example was most

dangerous. In his despondency he endeavored to cut asunder the great sinew of our defence, the Continental money, and upon discovery he retired in disgrace and despair to a corner of the State he lately governed. He remained there in obscurity until the ebb of adversity was spent and the tide of American fortune decisively turned by the capture of Burgoyne and the French alliance," etc.

Valerius quotes many passages from the speeches and writings of Mr. Dickinson in order to show the cautious and conservative position maintained by him from the beginning of the controversy. He professes to be unable to understand what was certainly clear to every one else,—that a man who could hesitate so long to break off all connection with Great Britain could be willing at any time or under any possible provocation to do so. This peculiar line of attack against Mr. Dickinson's political course we have had occasion to criticise, and, whatever may be said of its wisdom as a method of gaining popularity, there can be no doubt of its entire consistency. The main difference between him and those who advocated independence in 1776 was simply this: that he had more faith in the sincerity and intelligence of the British government, and was more convinced of the value of the English connection to this country, than his opponents. But the sting of the attack of *Valerius* was not so much in the charges of unpatriotic conduct themselves, which every one in Mr. Dickinson's own home, at least, knew to be not only false but ridiculous, as in the tone of personal insult he assumed in belittling the motives of his conduct, and especially in attributing that conduct to a timid, vacil-

lating, and cowardly spirit. It is from the brilliant and reckless invective of *Valerius*, as we have said, that posterity has derived its impressions of Dickinson, and it is very clear that when Mr. Bancroft and others wished to attack the Pennsylvania Farmer, they found in these shameless libels the arsenal from which their weapons were drawn. The charge of a want of personal courage is to a man of Mr. Dickinson's instincts and associations the grossest form of personal insult. It is a charge easily made, and it is seldom that in such cases any eye short of that of omniscience sees clearly, because the medium is clouded. As far as we can judge, Dickinson certainly manifested during his career the highest form of courage of which a man in public life is capable,—that of fearlessly maintaining his opinions in the face of popular clamor. As we have already said, his acts in the crisis of the Revolution, however unwise they may have been, have been properly regarded by one distinguished historian as exhibiting a greater degree of moral courage than that of any other of the great actors in those days of trial. Unless we are to believe that there is no courage in opposing the fury of the mob in times of great excitement,—and this has often proved the highest form of courage,—we cannot believe the innuendoes of *Valerius* nor the absurd charges of timidity and vacillation which have been founded upon them in our own times.

There were certain peculiarities of Mr. Dickinson's character and position which gave to his political opponents, who spoke even of General Washington as a "misplaced Fabius," an opportunity of charging him with a want of aggressiveness and self-assertion, these

being the qualities which, to their minds, constituted the truly brave man.

Mr. Dickinson by birth and descent was a Quaker, and although he was early forced to adopt the opinion that defensive war, at least, was permissible, he advocated and engaged in it as if he were performing a solemn duty from which there was no escape. He had nothing of the swaggering military adventurer or hero about him. He was, in the finest and best sense, a man of peace, never invading the rights of others, and never suffering his own to be trodden upon, yet firmly believing, and acting all the time upon the belief, that "the pen was mightier than the sword." Wherever we meet him, from his earliest manhood, we find him always mild and amiable, disposed to be conciliatory, free from anything that looks like a quarrelsome disposition. He was beloved even by many of his political opponents,—men such as McKean and Rush,—and he was always ready to exert himself in behalf of those who sought his aid and influence. No one ever doubted his position or was misled as to his opinions. He was perfectly frank and sincere, even when the avowal of his views might have involved him in great personal danger; and it is to the possession of these qualities of openness and sincerity, as much as to his unquestioned ability, that he owed many of the public positions which he filled. The record of his whole life shows that, in the opinion of his contemporaries,—friends as well as political enemies,—the peculiar qualities ascribed to him by *Valerius* are precisely those which were most conspicuous by their absence.

It is not necessary to repeat here what will be found

fully stated in the Vindication by way of refutation of these calumnious charges. As to the extraordinary statement that Colonel Dickinson abandoned his battalion in the hour of danger, it is only necessary to remember that he was practically superseded in its command by the election, on the 4th of July, 1776, of General Roberdeau as brigadier-general by the soldiers, which election was confirmed by the Convention in September. As Colonel Dickinson was then in the midst of a campaign, and commanded not only his own regiment, but, as senior colonel, the brigade of Philadelphia troops, to the satisfaction of General Mercer, he regarded the appointment of General Roberdeau and his confirmation by the Convention as what it was no doubt intended to be,—a method of getting rid of him. As soon as he heard of the action of the government *de facto* (that of the Convention), he felt called upon, by every consideration founded upon military honor and usage, to resign his commission. Besides, it must be said that the spirit of disaffection prevailed among his troops. His soldiers were patriotic "home guards," rather than soldiers moulded into trustworthiness and effectiveness by long military discipline. Many deserted; and the truth is that his battalion abandoned him, and not he the battalion. At last General Mercer, who, like all veterans, believed that there could be no efficiency without strict discipline, in disgust disbanded them, ordering those who still remained to repair to the "flying camp."[1]

[1] The following is a copy of Mr. Dickinson's commission as colonel. It will be observed that it is issued by the Assembly, and that he is to be responsible to the Assembly and the Committee of Safety only:

His hostility to the Constitution of 1776 was due rather to the mode by which it had been imposed upon the people of the State. In this respect his position was exactly similar to that of some of the best men in the State, many of whom bitterly regretted that they had approved the call for the Convention. They were numerous enough to form a majority of the Council and the Assembly when he took office under it, and he thought, very properly, that a submission to six years' government under it condoned, for practical purposes, the vices of its origin. As to the accusation that he

"*Pennsylvania, ss.*

[L. S.] "IN ASSEMBLY.

"May 23rd, 1775.

"*To John Dickinson, Esquire.*

"We, reposing especial trust and confidence in your patriotism, valor, conduct, and fidelity, do, by these presents, constitute and appoint you to be Colonel of the First Battalion of Associators in the City and Liberties of Philadelphia, for the protection of this Province against all hostile enterprises, and for the defence of American liberty. You are therefore carefully and diligently to discharge the duty of a colonel, as aforesaid, by doing and performing all manner of things thereunto belonging. And we do strictly charge and require all officers and soldiers under your command to be obedient to your orders as their colonel. And you are to observe and follow such orders and directions, from time to time, as you shall receive from the Assembly during their sessions; and, in their recess, from the present or any future Committee of Safety appointed by the Assembly of this Province, or from your superior officer, according to the rules and regulations for the better government of the Military Association in Pennsylvania, and pursuant to the trust reposed in you. This commission to continue in force until revoked by the Assembly or by the present or any succeeding Committee of Safety.

"Signed by order of the Assembly.

"JOHN MORTON, *Speaker.*"

had advised his brother privately that he should not receive paper money in payment of mortgages to secure debts contracted in specie, that was certainly regarded by the popular tyranny of the time as a transaction little short of treasonable, or, as it was called by *Valerius*, "endeavoring to cut asunder the great sinew of our defence, the Continental money." This charge, as we have explained, grew out of the false sentiment prevailing at the time, which, while it did not forbid a man from thinking that silver and paper had at that time a different value, prohibited him from telling even his own brother that such were his opinions. It is certainly not worth while to waste time in showing that the enforcement of such a policy was as absurd as it was tyrannical, and that it is only another illustration of the attempt of the ostrich to conceal its body by burying its head in the sand, a species of folly of which the history of great outbursts of popular passion during revolutions affords many examples.

No more critical period of our State history is to be found, it has been said, than the interval between the signing of the preliminaries of peace, in 1782, and the adoption of the Federal Constitution. Every interest, social and political, was at that time marked by disorganization and change, and it seems hard to understand how a new form of society was built up from the very foundation in the exhausted condition into which we had sunk at the close of the war. There seemed to be no vigorous life left to enable us to grapple with a mutinous army, with a worthless currency, and with a discontented people, who had by this time lost their illusions and were clamorous for aid in many ways

which no human government could give them. Nothing could be expected from the measures of the State legislature, which during the previous administration had been ruled by incapable demagogues. It is true that an act for abolishing slavery in Pennsylvania had been passed, to which, however, there seems to have been no opposition; but for other internal affairs no better expedients could be found than embargoes, legal tender laws, and maximum of prices fixed by law, enforced at last by martial law. All this revolutionary legislation was crowned by the famous act of spoliation by which the revenues of the College of Philadelphia were taken from it by the legislature under false pretences and transferred to a new educational establishment, in direct violation of the guarantees of the Constitution of the State. Whatever, then, was the public distress, it was in vain to look to the legislature for hopeful measures of relief. Gradually, as the currency —as we have explained—grew sounder, there was an improvement, and business slowly revived; but the liquidation of the claims of the soldiers, and finding for them employment in the new conditions in which they would be placed when disbanded in 1783, caused almost as much anxiety as was felt during the war, when it was necessary to equip, maintain, and pay them for active service. The discontent was well-nigh universal, and, in the case of the soldiers at least, not unnatural. That they should be disbanded without the payment of their just claims, after all they had undergone, was an act of flagrant wrong, and it is not to be wondered at that some of those quartered nearest to the place where Congress was sitting were determined to extort the

money due them by force, if their claims were still unheeded.

In the month of June, 1783, some fifty of the disbanded soldiers of the Pennsylvania Line in the Continental army at Lancaster, finding it impossible to get the pay due them, determined to march to Philadelphia, with the intention of stating their grievance to Congress in session there and urging payment of their claims. On reaching the city they were joined by a considerable number of their comrades who had suffered the same injustice and who determined to unite with them in seeking a remedy. The mutinous soldiers, under the charge of certain sergeants, presented themselves drawn up in the street before the State House, where Congress was assembled. They made no attempt to enter the building or to insult any member of Congress. The Executive Council of the State, sitting under the same roof, was called upon by Congress to interpose its authority and disperse the soldiers. President Dickinson came in and explained to the members of Congress the difficulty, under the circumstances, of calling out the militia of the State to suppress what was spoken of as the mutiny. He had called together General St. Clair and the field officers of the Philadelphia militia, and they agreed that unless there was imminent danger of some outrage on persons and property their men could not be relied upon. Although no attempt was made to compel Congress by force to grant the demands of the soldiers, yet its members became very much alarmed, and adjourned to meet at Princeton, alleging that they could not deliberate in safety in Philadelphia. The soldiers then, becoming

incensed by this method of evading their just demands, threatened to attack the bank where the public money was supposed to be deposited. As this offence seemed to the President and his Council a much more serious one than the insults that were alleged to have been offered to the members of Congress by urging them to pay what was due the soldiers, a force sufficiently large to guard the bank and preserve the peace was soon formed from volunteers. In a few days all danger from the military riot (falsely so called, because the men concerned in it were under no control or military discipline, but were simply discharged soldiers) was over, the leaders, fearing punishment, having deserted their followers and escaped.

The following explanation of this riot and of the measures taken to quell it was sent by Mr. Dickinson to Congress:

"*To the President of Congress.*

"PHILADELPHIA, June 25, 9 o'clock.

"SIR,—The Minister of France, who has been a witness of the last transactions of this day, has obligingly offered to convey to Congress my account of their happy conclusion. He is now waiting to receive it in my house; and that circumstance, with the great fatigues I have lately undergone, having been up all the last night, will, I hope, apologize to Congress for this short and imperfect despatch.

"This day, about twelve o'clock, the Council received from the committee of officers appointed by the soldiers in the barracks their requests, attended with a petition of pardon from Council for their misbehavior.

"As their proposals contained no submission to Congress, Council unanimously informed those of the committee who attended that we should not take their proposals into consideration unless they should first make a full and satisfactory submission to Congress, and

we directed the attending members of their committee to communicate this unalterable resolution of Council to them.

"This was immediately done, and at the same moment orders were issued by Council for a guard of five hundred men to be immediately assembled, and for the militia of the city and neighborhood to hold themselves in readiness for action on the shortest notice, having received intelligence that an attack upon us was intended this afternoon.

"The negotiation for the desired submission was continued, and, with the prudent and highly commendable management of Colonel Hampton, so well conducted that six of the leading sergeants among the soldiers first attended me, submitted, and impeached two officers, —a Mr. Carberry, deranged, and a Mr. Sullivan. Colonel Hampton and a number of citizens then repaired to the barracks, and this afternoon just at dark all the soldiers, except some of those lately from Lancaster, appeared, without their arms, before my house.

"I then addressed them, reminded them of their fault,—unprecedented and heinous,—approved the evidence given of their dutiful disposition, insisted on their instantly putting themselves under the command of their officers and yielding to them a proper obedience; that, as a stronger proof of the disposition mentioned, they should, at the end of twenty-four hours, use their arms to reduce the soldiers who lately came from Lancaster to obedience, unless in that time they should of themselves return to obedience and put themselves on their march for that town under the command of such of their officers as should be in this city, in which service the militia should co-operate with them.

"The soldiers, being dismissed, were ordered to retire to their quarters in the barracks under the command of their officers, and they instantly obeyed. I am informed, by officers in whom I am persuaded I may confide, that the mutiny is suppressed except among some of the Lancaster soldiers.

"I told the others that in consequence of their good behavior I should recommend them to Congress for pardon, and I hope that they will act in such a manner as to obtain a restoration to the favor of Congress. I shall give orders for the apprehending the two officers before mentioned.

"I am, sir, your very h'ble serv't,

"JOHN DICKINSON."

This incident in Mr. Dickinson's administration has been referred to because it seems to illustrate very forcibly the coolness, the moderation, and the humanity which were so characteristic of the man. He said concerning it in a message which he sent shortly afterwards to the Assembly, "In this unhappy affair we found ourselves extremely distressed. On one side we were urged by the Representatives of the United States to draw forth and employ the citizens in immediate hostility against the soldiers, while on the other hand the citizens considered them as objects of compassion rather than of terror and resentment. They could not bear to avenge the dignity of Congress, accidentally and undesignedly offended, by shedding the blood of men whom they considered as having fought and suffered for the American cause."

The year 1784 is marked in the annals of Pennsylvania by the disgraceful and iniquitous proceedings of parties professing to act under the authority of the State in their attempt to dispossess by force the claimants of lands which were held in the Wyoming Valley under the Connecticut title. As is well known, it was long a matter of doubt and controversy whether these lands were within the jurisdiction of Pennsylvania or of Connecticut. Under a provision of the Articles of Confederation, questions of this kind were to be submitted to a court to be constituted by Congress. Accordingly, a court acting under this authority was held at Trenton, which, after listening for forty days to arguments from the most learned counsel to be found in the country, decided that the lands in question were within the bounds of Pennsyl-

vania as set forth in the charter of Charles II. The inhabitants of this region were said to exceed six thousand in number, and they nearly all held their lands by titles derived from Connecticut. To reconcile the sovereignty of Pennsylvania in the Valley of Wyoming with an equitable treatment of the actual settlers, who suddenly found that they had bought a bad title and made costly improvements on the lands in good faith, was a task which required the exercise of the utmost skill, patience, comprehensiveness of view, and humane consideration on the part of the authorities of Pennsylvania. The task was all the more difficult because the Executive Department of the State could not agree upon any plan of settling the question. The President in this matter stood alone, the Supreme Executive Council, which shared his power, and the Assembly, which had all the legislative authority, being united against him. Hence his voice of remonstrance, joined to that of another governmental body, called the Council of Censors, was utterly unheeded by the agents of the Pennsylvania landholders, who set to work to drive away from this region the Connecticut settlers as intruders. The whole controversy is perhaps best explained in the report of these Censors, from which it will appear how difficult it must have been to act justly and at the same time to deal mercifully with the actual settlers:

"IN COUNCIL OF CENSORS, September 11, 1784.

"It is the opinion of this Council that the decree made at Trenton, early in 1783, between the State of Connecticut and this Commonwealth, concerning the territorial right of both, was favorable to Pennsylvania. It likewise promised the happiest consequences to the confederacy, as an example was thereby set of two contending

sovereignties adjusting their differences in a court of justice, instead of involving themselves, and perhaps their confederates, in war and bloodshed. It is much to be regretted that this happy event was not improved on the part of this State, as it might have been; that the persons claiming lands at and near Wyoming occupied by the emigrants from Connecticut, now become subjects of Pennsylvania, were not left to prosecute their claims, in their proper course, without the intervention of the legislature; that a body of troops was enlisted, after the Indian war had ceased and the civil government had been established, and stationed at Wyoming, for no other apparent purpose than that of promoting the interest of the claimants under the former grants of Pennsylvania; that these troops were kept up and continued there without the license of Congress, in violation of the confederation; that they were suffered, without restraint, to injure and oppress the neighboring inhabitants during the course of the last winter; that the injuries done to these people excited the compassion and the interposition of the State of Connecticut, who thereupon demanded of Congress another hearing, in order to investigate the private claims of the settlers at Wyoming, formerly inhabitants of New England, who, from this instance of partiality in the army, might have been led to distrust the justice of the State, when, in the mean time, numbers of these soldiers and other disorderly persons, in a most violent and inhuman manner, expelled the New England settlers before mentioned from their habitations, and drove them towards the Delaware through unsettled and almost impassable ways, leaving these unhappy outcasts to suffer every species of distress; that this armed force, stationed, as aforesaid, at Wyoming, as far as we can see without any public advantage in view, has cost the Commonwealth the sum of £4460 and upwards for the bare levying, providing, and paying them, besides other expenditures of public money; that the authority for embodying these troops was given privately and unknown to the good people of Pennsylvania, the same being directed by a mere resolve of the late House of Assembly, brought in and read the first time on Monday, September 22, 1783, when, on motion, and by special order, the same was read a second time and adopted; that the putting this resolve on the secret journals of the House, and concealing it from the public after the war with the savages had ceased and the inhabitants of Wyoming had submitted to the gov-

ernment of the State, sufficiently marks and fixes the clandestine and partial intent of the armament, no such caution having been thought necessary in defence of the northern frontiers during the late war; and, lastly, we regret the fatal example which this transaction has set, of private persons, at least equally able with their opponents to maintain their own cause, procuring the influence of the Commonwealth in their behalf, and the aid of the public treasury; the opprobrium which has from thence resulted to the State, and the dissatisfaction and prospect of dissensions now existing with one of our sister States; the violation of the confederation, and the injury done to such of the Pennsylvania claimants to land at Wyoming, occupied as aforesaid, as have given no countenance to, but, on the contrary, have disavowed, these extravagant proceedings. In short, we lament that our government has in this business manifested little wisdom or foresight, or has not acted as the guardian of the rights of the people committed to its care. Impressed with the multiplied evils which have sprung from the improvident management of this business, we hold it up to censure, to prevent, if possible, any further instances of bad government which might involve and distract our new-formed nation."

This humane remonstrance of the Council of Censors produced no effect whatever upon the Supreme Executive Council or upon the Assembly, and they both seem to have been wholly under the influence of the Pennsylvania land claimants. President Dickinson, whose humanity had been shown on a previous occasion by his efforts to supply the wretched inhabitants of the valley with food when they had suffered the loss of everything by an ice-flood, and whose sense of justice and ideas of policy were both shocked by the violence committed on these people, now interposed once more for their relief. He sent a message to the Council on the 5th of July, in which he says, "Being still indisposed and unable to attend the Council to-day, I

think it my duty, notwithstanding what has been already offered, to request that you will be pleased to consider the propriety of calling a body of militia into active service on the intelligence so far received, in the manner proposed. If the intention is that the militia shall assist the Pennsylvania claimants in securing the corn planted on the lands from which the settlers were expelled last spring, such a procedure would drive these settlers to absolute despair. They will have no alternative but to fight for the corn or to suffer and perhaps to perish for the want of it in the coming winter. They (the settlers) will regard this step as the commencement of hostilities against them; and perhaps others, whose statements are of vastly more importance, may be of the same opinion."

This impressive protest, like that which preceded it, produced no change in the legislation of the State or in the action of the militia who were sent to Wyoming. But the prophecies of Mr. Dickinson as to the result of this policy were all fulfilled, and there was no peace on "Susquehanna's side, fair Wyoming," until justice, as urged by him, was done to the settlers, and until the inhabitants, who had fought with desperate valor for the preservation of their homes, had the bad titles to the lands which they had bought in good faith quieted and confirmed by the irrevocable authority of the State.

The duties of the President of the Supreme Executive Council under the Constitution of 1776 were indeed multifarious. Besides being charged with the executive business of the State, he was ex-officio Chief of the High Court of Errors and Appeals, the head of the judicial system. As such, associated with the

judges of the Supreme Court, he delivered in 1785, among other opinions, one in an important cause (Talbot *vs.* The Achilles *et al.*, reported in 1 Dallas) involving questions of admiralty jurisdiction, which shows how even in this comparatively unexplored region his learning was accurate and profound. He discusses these questions of a purely technical kind with wonderful clearness and ability. He holds, *first*, that the owners of letters of marque are responsible for injuries committed on the high seas by the commanders of vessels sent out by them; *secondly*, that in cases of captures from enemies, persons in other vessels acquire no right merely by seeing the capture made; *thirdly*, that the judge of the admiralty for this State may legally take cognizance in cases similar to this; *fourthly*, that the appeal in such cases to the High Court of Errors and Appeals of this State is regular.

CHAPTER VII.

HIS SERVICES IN THE CONVENTION WHICH FRAMED THE CONSTITUTION OF THE UNITED STATES.

THE time was approaching when the abilities and experience of Mr. Dickinson were again to be called into action upon a wider stage than that of a single State. The statesman, especially he who was actively engaged in public affairs, was more and more impressed by the experience of every passing day with the necessity of a revision of the Federal system. The air was fairly filled with what may be called national problems at the termination of the war, and the existing government seemed to provide no method of solving them satisfactorily. Such questions as the right of the navigation of the Mississippi, the disputed boundaries of the States, the best method of applying the proceeds of the sales of the public lands, the mode of raising a revenue by imposts, the conflict that existed in several of the States between the authorities and dissatisfied soldiers and creditors of every description; in short, the inevitable embarrassments arising from a new life under new conditions,—all these difficulties might well have appalled and discouraged the ablest and most experienced statesman. No one denied that our condition at that time was chaotic. All admitted that the remedy lay in a more perfect union; but under what conditions that union was to be established, and

especially as to how far it was to absorb the powers of the States, scarcely two persons could be found who were of the same opinion. The root of the difficulty was the jealous fear lest in any new organization the pretensions of each State to a quasi-sovereignty should be denied or ignored. In all our political history, as is well known, no doctrine has been more tenaciously held than that of State sovereignty. Even now it survives in many quarters after a century's trial and a crushing condemnation by the terrible ordeal of a four years' war. But before the Constitution of the United States was adopted as an instrument deliberately framed for the purpose of extracting the poison of this doctrine from the body politic, it was natural that the States which had just emerged not only from colonial dependence but also from a system of centralized administrative tyranny should look with suspicion upon plans which seemed in any measure to withdraw from themselves the power of home rule. The Colonies had called themselves before the world "free and independent States," banded together only for a special purpose,—that of armed resistance. Besides, as has been already explained, a union was not thought of as the outgrowth of any national feeling, but as a matter of absolute necessity. At that time the people in the different States had different habits, ideas, and modes of living, and they had been taught that their material interests were irreconcilable. Country meant to most persons the narrow Colony in which they were born and lived; men of action knew their own people and their needs, and to satisfy them was their highest ambition. The national government which has since arisen, and in the

service of which men are proud to act and call themselves Americans, was then at best a shadowy league, the result of conflicts and compromises which it was supposed would not outlive the war. But, of course, the great obstacle on the part of the States to the adoption of any federal system of real force and stability was the uncertainty which prevailed concerning the nature and extent of the powers with which it was proposed to invest it.

Thus, while the country was recovering from the material losses caused by the war, it was this element of uncertainty about the future which paralyzed all attempts to build new hopes of prosperity upon a sure foundation. Nowhere had a statesman ever had a more difficult task than to solve the problem in which were involved so many conflicting ideas and interests. There was as yet no national statesman, in our meaning of the term. The one element of hopefulness in the situation was that, much as men differed about the remedy, all agreed that the existing condition was simply a prelude to anarchy.

At last, in January, 1786, affairs had reached such a crisis that it became imperatively necessary to determine whether it was possible to form a more perfect union, and whether a permanent national sentiment was an American idea. Accordingly, on the 21st of that month the legislature of Virginia adopted the following resolution: "*Resolved*, That certain Commissioners be appointed, who shall meet such Commissioners as may be appointed by the other States of the Union, at a time and place to be agreed upon, to take into consideration the trade of the United States, to examine

the relative trade and situation of said States, to consider how far a uniform system in their commercial regulations may be necessary to their common interest and permanent harmony, and to report to the several States such an act relative to this great object as, when unanimously ratified by them, will enable the United States in Congress assembled effectually to provide for the same." At a meeting held on the 11th of September, at Annapolis, in pursuance of this invitation, Commissioners from New York, New Jersey, Pennsylvania, Delaware, and Virginia appeared, and John Dickinson, a Commissioner from Delaware, was chosen president. It appeared that, although Commissioners were said to have been appointed by the legislatures of several of the other States, they did not attend at Annapolis. Those who did attend instructed their president, Mr. Dickinson, to make a report of their proceedings to Congress, from which the following extracts are taken: "As the powers of the Commissioners suppose a delegation from all the States, those who are present did not consider it proper to proceed to business under such a defective representation. They think that the idea of extending the powers of the delegates to objects beyond commerce, as has been suggested by New Jersey, is a good one, and that it would be better to extend it to the whole matter of Federal government. They decline to state what the defects of the existing system are, but they express their unanimous conviction that an effort should be made for the appointment of Commissioners to meet at Philadelphia on the second Monday in May next, to take into consideration the situation of the United States, and to devise such further

provisions as shall appear necessary to render the Constitution of the Federal government adequate to the exigencies of the Union."

On the 21st of February, 1787, this letter of Mr. Dickinson was read in Congress, and his suggestions were adopted, with the following modification proposed by Massachusetts, viz.: "That the Convention report to Congress and the State legislatures such alterations as they may deem adequate." Such is the genesis of the Convention which framed the Constitution of the United States. Mr. Dickinson took his seat in the Convention as a delegate from Delaware. It seemed eminently fitting and proper that he should take a leading part in this last and most successful attempt to establish a government which it was hoped would secure for his country a more perfect union. He had been conspicuous, it will be remembered, in all the Conventions which had been held since such meetings had been resorted to for the purpose of securing united and concerted action. Besides having represented his own State and that of Delaware many times in their different Assemblies and Conventions, he had been the delegate of both in the national Congress. He had been a member of the Congress that protested against the Stamp Act in 1765, a member of the first Continental Congress in 1774, and during four years of the Revolutionary War he had continued a most active member of that body. In this way his knowledge of public men in different parts of the country and his experience in public affairs had become invaluable. Moreover, he had been one of the most active members of the committee appointed by Congress in 1776 not only to draft

treaties with foreign powers, but also to prepare articles of confederation between the States, and he had given special study to these subjects, believing that both measures were of such importance that they should be adopted before independence was finally declared.

The original plan for the Confederation remains, in the handwriting of Mr. Dickinson, but it was not reported by the committee until the 12th of July, when he had left Congress and was in command of his regiment at Elizabethtown. The Articles of Confederation were not ratified by all the States until 1781. Defective as they proved to be, they were doubtless, in those days of jealousy, and in the absence of all true national feeling, the best possible attainable at the time. Be that as it may, however, good or bad, they formed the charter of the government which brought us through the Revolution; and so far was Mr. Dickinson from being censured by his contemporaries for the want of force which they exhibited, that he was one of the first to call attention to their defects and to suggest a remedy. He was certainly one of the most useful and conspicuous members of that illustrious body which framed the Constitution of the United States, as he had been of the Continental Congress, and an examination of the records of the Convention will show how vastly important were his acquaintance with the general principles of English free institutions and his long experience and profound knowledge of affairs in settling the foundations of our great system of constitutional law. He was one of the most active members of the Convention, and took part in the discussion of a great variety of subjects,—a fact which is a little remarkable,

for his health during the session was more than usually feeble.

The two points upon which he dwelt most forcibly in the Convention appear to have been the powers which it was proposed to vest in the Executive and the position to be held by the States of small territorial extent in the scheme of union. He advocated very strongly a choice of the electors of the President directly by the people, and not by the legislatures of the different States, as had been proposed, and as many desired. He thought that the President might be removed by Congress at the request of the majority of the legislatures of the different States, and that he should be aided or sustained in the exercise of his functions by a council composed of citizens of States of different geographical positions in the Union, and, moreover, that this Council should exercise jointly with the President the power of appointment to office. Mr. Dickinson's theory of the Union was one which regarded the States as the stable factors and units of our political system. In the Convention he insisted frequently upon his favorite thesis, as he did during the remainder of his political life, that the States should have the power to check and control in a measure the acts of the President; but, strange to say, his opinion was due not so much to a jealousy of the power of the President as to the belief that authority thus exercised would be more readily supported by the people. He gives these reasons for this opinion, which are worth considering. He contended "that in the British government the weight of the Executive arises from attachments which the Crown draws to itself, and not

merely from the force of its prerogatives. In place of these attachments we must look for something else. One source of stability is the double branch of the legislature. The division of the country into distinct States formed the other principal source of stability. The division ought therefore to be maintained, and considerable powers to be left with the States. This was his ground of consolation for the future fate of his country."

In regard to the qualification for suffrage, he doubted "the policy of interweaving with a republican Constitution a veneration for wealth. It seemed improper that any man of merit should be subjected to disabilities in a republic, where merit was understood to form the great title to public trusts, honors, and rewards."

The most serious controversy in the Convention arose between the delegates of the larger and those of the smaller States in regard to the number of the representatives which should be sent by each to the national Congress, and upon what basis they were to be elected. The Virginian plan, as it was called, proposed by Mr. Edmund Randolph, had provided that the right of suffrage for members of the national legislature should be based on the proportion of the quotas of taxes contributed by each, or on the number of the free inhabitants, if such a plan were preferred, and that the members of the first branch, or Senate, should be elected by the people of the several States directly. Mr. Read, of Delaware, having reminded the members that the delegates from that State had been instructed to withdraw from the Convention if any change in the existing rule of suffrage (giving one vote to each State) should be adopted, the consideration of the proposition

to base the representation upon the number of the inhabitants was postponed. As to the election of Senators by the people instead of by the legislatures, the large States all voted for it and the smaller ones against it in the Committee of the Whole. This result caused serious alarm in the Convention, and many of the delegates began to fear that all hope of a national government would be shipwrecked by collision with an obstacle which it was equally impossible to escape or to overcome. The large majority of the delegates were evidently in favor of proportional representation, while those from the smaller States, feeling that by the adoption of such a plan they would be crushed or their influence wholly destroyed, refused, even at the risk of losing a national government, to consent to it. Mr. Dickinson, as representing Delaware, was foremost in this controversy. His first object was to insure an equal representation of each State in the Senate, thus placing there at least the smaller States on a footing of equality with the larger. The Convention, after refusing to agree to propositions that the Senate should be elected by the people in large separate districts, or that it should be appointed by the President out of nominations made by the State legislatures, decided unanimously on the 7th of June, on the motion of Mr. Dickinson, that the members of that body should be chosen, two for each State, by its legislature. Proportional representation was confined to the election of the members of the House of Representatives, and thus the great compromise was agreed to,—certainly one of the most original conceptions of the division of powers to be found in the Constitution, and the feature

which above all others has, contrary to the general expectation, commended itself to the approval of all parties during our whole history. If the Senate is the permanent and conservative force in our system, we should not forget, as we are too apt to do, to whose influence we are indebted for the introduction into it of this rare invention of state-craft. How much Mr. Dickinson had this scheme at heart, and how great was the danger at this crisis had it not been adopted, may be inferred from his statement to Mr. Madison, who, as the representative of one of the larger States, had been the strong advocate of a proportional representation in both branches of the national legislature. "You see," said he, "the consequences of pushing things too far. Some of the members of the small States wish for two branches of the national legislature, but we would sooner submit to a foreign rule than be deprived in both branches of an equality of suffrage and thereby be thrown under the domination of the larger States."

Mr. Dickinson, probably from representing the smallest of all the States, was always jealous of their importance and dignity in the Union. He drafted the section which prohibits a new State from being formed from the junction of parts of two States without the consent of the States from which the parts were taken, as well as of Congress. He was at all times the champion of the Senate as the guardian and representative of the States. He urged State sovereignty, strange to say, as the guarantee of the stability of the Federal government. But he did it only, as has been said, as the advocate of a strong national government.

He felt obliged to confine the power of the Union over the State militia to a limited time, because he feared that its unchecked control over the State forces by the general government might endanger the ratification of the Constitution by the States. He thought, on the other hand, that the general government should have power to suppress domestic violence in all cases, whether it might arise from the State legislation itself, or from disputes between the Houses. Finally, he and Mr. Madison were strenuous supporters of the proposition that Congress should have power to repeal any State law which it deemed improper,—that is, contrary to the Constitution of the United States,—a function which was deemed by both these experienced statesmen indispensable to the smooth working of the system, and which has since been exercised through the intervention of the courts. Mr. Dickinson presented to the Convention important views concerning many other vital topics which were brought before it, especially in regard to the organization of the judiciary, but, after all, his great reputation as a member of that body must rest upon his having secured for each State, large and small, equal representation in the Senate, and upon his having forced the majority of the delegates to confine the operation of the principle of proportional representation to the House of Representatives.

After the Constitution was adopted by the Convention, it was necessary that it should pass through the ordeal of popular approval for ratification. Its various provisions were discussed in the bodies called in the different States to consider the question of their adoption, with a jealous criticism more minute and searching,

if possible, than that which those provisions underwent in the Convention itself. The debates in the Convention had taken place with closed doors, and it was understood that all its proceedings were, during the period when the ratification of the Constitution was discussed, kept secret. Hence those who were to decide upon the final adoption of the proposed Constitution were obliged to make up their minds without having had the advantage, as we have, of knowing the reasons which led the members of the Convention to the conclusions which they reached. The feeling at first among a large portion of the people was doubtless one of disappointment, due, perhaps, very much to the uncertainty which prevailed in regard to the success of such an experiment, even under the most favorable auspices. They knew nothing of a federal government hitherto, except that it had proved a most ineffective system, trenching, as was alleged, upon the powers of the sovereigns composing it whenever it showed any strength or force. To many, where the new Constitution seemed an improvement of the old, it became strong at the sacrifice of home rule. The fear that such would be the outcome of the work of the Convention was very general in certain quarters before its meeting. In Massachusetts, for instance, the legislature having asked Congress to revise the Articles of Confederation before the Convention was held, the delegates of that State declined to present the request, for which the following strange reason was given by Mr. Elbridge Gerry on their behalf: "More power in Congress," said he, "has been the cry from all quarters, but especially of those whose views, not being confined

to a government that will best promote the happiness of the people, are extended to one that will afford lucrative employment, civil and military. Such a government is an aristocracy which would require a standing army and a numerous train of pensioners and placemen to prop and support its exalted administration." These jealous and suspicious fears were worthy of the men who afterwards regarded Jefferson's old red waistcoat and soiled corduroy breeches, his slippers down at the heels and his unshorn beard, as emblems of the sort of republican simplicity which the President should show when he received the ministers of foreign powers. Strange as it may appear, these fears were very real to men moved by the party spirit of the day. Added to dangers such as these which they foresaw from the adoption of the Constitution, they hesitated to take what they called "a leap in the dark." They said, very truly, that they were asked to adopt a plan by an irrevocable step which resembled nothing which they could find in history. Hence there was on all sides, even among those most hostile to the worthless Articles of Confederation, doubt and hesitation.

It was, it is true, stated that the Constitution had been adopted unanimously by the States represented in the Convention; but it was manifest on its face that it was a compromise of opposite opinions, and it was felt by those who desired its ratification that to secure that object some information and explanation for the public were essential. Thus some of those who had taken the most active part in its formation as members of the Convention undertook this task, and thus it happens that the clearest light thrown upon the proceed-

ings of the Convention comes from its own members. Hence Hamilton and Madison in *The Federalist*, and John Dickinson in his essays signed *Fabius*, explained the provisions of the Constitution and enforced the necessity of their adoption.

Those who opposed the ratification of the Constitution may be divided, for our purposes, into three classes: *First*, those who desired that a stronger government—that is, one with more consolidated powers—should be adopted; most of these, however, afterwards became ardent supporters of the Constitution. The leader of such men as these was Hamilton, who in the beginning had proposed that both the President and the Senators should hold their offices for life, but who, finding himself alone in that opinion, yielded to those of his colleagues, and strongly urged, in *The Federalist*, the ratification of the Constitution. *Second*, those who believed that too much power had been reserved by the Constitution to the separate States, holding that the people, and not the States, were the true sovereigns in the formation of a constitution, they only possessing any constituent power which they could delegate. *Third*, those who believed, on the other hand, that the sovereignty which they claimed inhered in the States had either been wholly ignored by the provisions of the Constitution or had been given up entirely to the proposed national government.

The fundamental differences between the Federalists and the anti-Federalists, friends and opponents of the Constitution, grew out of the different conception which each party held of the relations of the people to the constitution-making power, if we may so call it. While

the Federalists insisted that in the people alone, as distinguished from the States, in their sovereign capacity, lay all the constituent power which was exercised in forming the national Constitution, and that this power had never been delegated to the States, the anti-Federalists contended that the States, with all their various attributes of sovereignty, still subsisted when the Constitution was framed, and that the States, as such, had entered into a compact or league, to which each had contributed a definite portion of this power to form a national government for the benefit of all. These differences, in this country always fundamental, were, at the time that the Constitution was adopted, more or less pronounced in various quarters. Vast consequences have flowed in our political history from efforts to establish them as the fixed policy in the administration of the government, and hence it becomes desirable to ascertain how the problem presented itself to a mind like that of Mr. Dickinson, and how he proposed to solve it.

He had contended strongly in the Convention for the conservation of the identity as well as the power of the States, except where it seemed essential that this power should be delegated if a national government of any force was to be established.

In the nine letters signed *Fabius*, which were published shortly after the adjournment of the Convention, Mr. Dickinson appears as the ardent champion of the ratification of the new Constitution. He advocated this course, not merely because he thought that the proposed government would be better suited for the purpose in view than that established by the Articles of

Confederation, but because he found that the Constitution accorded with his ideas of a true system of federal government; and he seems at that time to have been wholly free from that fear of a consolidated government by which many others were oppressed. He tried to make it appear that the novel features of the Constitution were its strong ones. He himself, as has been said, was the author of the greatest novelty in it,—that of a double representation, the one by means of sovereign States, as he called them, where all should be on a footing of equality, and the other by the people directly, in proportion to their population. These letters, without pretending to the comprehensiveness and force of argument which characterize many of the papers of *The Federalist*, had a wide influence. They were probably intended for a more numerous, and possibly a more popular, audience. Doubtless they did much—as Mr. Dickinson's writings always did—to remove prejudices, and they certainly proved that it was possible for the strongest and most conscientious advocate of State sovereignty to support warmly the adoption of the Constitution, and to do it in a tone of wise moderation.

In his view of the Constitution, Mr. Dickinson began by explaining the nature of a federal system and showing the nature of delegated, or, as he called them, "contributed," powers.

"When persons speak of a confederation," he says, "do they or do they not acknowledge that the whole is interested in the safety of every part, in the agreement of parts, in the relation of parts to one another, to the whole, or to other societies? If they do, then the

authority of the whole must be coextensive with its interests; and if it is, the will of the whole must and ought in such cases to govern, or else the whole would have interests without the authority to manage them,—a position which prejudice itself cannot digest."

After saying that the judgment of the most enlightened among mankind points to the necessity of a division of the governmental powers into great departments, distinct in office and yet connected in operation, he says that it must be granted that a bad administration may take place. "What," he asks, "is then to be done? The answer is instantly found. Let the *fasces* be lowered before the supreme sovereignty of the people. It is their duty to watch and their right to take care that the Constitution be preserved, or, in the Roman phrase on perilous occasions, to provide that the republic receive no damage."[1] This view of the work of the Convention, it may be said, is very unlike that taken by a man who had been President of the United States, and who therefore may have been supposed to understand the true relation of the States to the general government. "The result of all these arrangements," says Mr. Van Buren, in his "Inquiry into the Rise of Political Parties in the United States," published after his death in 1869 (after the war of the Rebellion), "was, that the Federal Constitution was so constructed as to put it in the power of a bare majority of the States to bring the government proposed by it to a peaceable end, without exposing their citizens to the necessity of resorting to force, by simply withhold-

[1] In other words, Mr. Dickinson justified "revolution" and not "peaceable secession" in the last resort.

ing the appointment of electors or the choice of their Senators, or both."

Mr. Dickinson then turned, as he was always inclined to do, to history for illustrations of the peculiar position of confederated republics. Our fathers, it must be remembered, had not the advantage, which we possess, of learning by observation the causes of the failures of so many modern republics. He could find nothing in history which resembled the system proposed for us until he reached the times of the Amphictyonic Council or the Achæan League. These certainly were not modern instances of political institutions, nor did they undertake to provide for the most pressing needs of modern times. The fashion of those days, however, in both the Old World and the New, was to go back to the heroic days of Greece and Rome for models, and Mr. Dickinson followed the example of his contemporaries. The Amphictyonic Council had a jurisdiction a good deal more enlarged than he has chosen to assign it, but he considers it only as the general court of Greece. He seems to think that in its want of power it resembled somewhat the government which we were then trying to revise, that of the Confederation, for he tells us that it failed because its parts were not sufficiently combined to guard against the ambitious, avaricious, and selfish projects of some of the States, or, if it had the authority, it dared not employ it. To the force and union derived from the Achæan League, on the contrary, he ascribes much of the prosperity and glory of Greece. Its different States, represented in a Diet or Congress, "declared war, made peace, entered into alliances, and compelled every State in the Union to

obey its ordinances. Their chief officer was called *Strategos*, and he was chosen in the Congress by a majority of votes. He was vested with great powers, especially in time of war, and was liable to be called to account for misbehavior by the Congress." According to Mr. Dickinson's view, their subsequent weakness was to be traced to the faithlessness to their obligations of the States composing this league, and to their intestine quarrels. Hence disunion, and not the tendency to aristocracy, made them victims first of the power of Macedonia, and then of Rome.

After drawing what encouragement he could from the experience of the only governments in history which seemed to him to bear any analogy to the federal system proposed for us, he turns to that objection to its ratification which was undoubtedly the popular one,—that we were asked to try an experiment which might, after all, not only prove a failure, but might also, in the process, involve us in ruin. In short, he had to meet that most natural but most unreasoning objection to any new scheme,—a feeling of uncertainty as to what may happen. He meets this objection in the best way in which it could be met when arguing the question before a popular audience. He shows that the argument from uncertainty as to the result might always be applied to any proposed change, and he enforces this view by a singularly apt illustration. At that time the famous speech of the Earl of Belhaven in opposition to the proposed union between England and Scotland was no doubt familiar to many of his readers. Lord Belhaven, with a patriotic fervor of rhetoric which has been seldom surpassed, spoke of the proposed union as a

direful calamity. He pictured in detail the many evils which his imagination conjured up in the future as the inevitable consequence of that measure. He thought he saw, as results of giving up a free and independent Scotland, "the national Church placed upon an equal level with Jews, Papists, Socinians, Armenians, Anabaptists, and other sectaries; the noble and honorable peerage of Scotland, whose valiant predecessors had led armies against their enemies at their own costs and charges, now divested of their followers and vassalages; the present peers of Scotland walking in the Court of Requests like so many English attorneys, laying aside their walking-swords when in company with English peers, lest their self-defence should be found murder; the honest and industrious tradesman loaded with new taxes and impositions, drinking water in the place of ale, eating his saltless pottage, petitioning for encouragement to his manufactures," etc., to the end of the chapter.

After explaining the positive merits of the system which it was proposed to adopt, he gives us a most interesting history of the article which he himself had so strenuously advocated, and which was, as we have said, a perfectly novel feature in a confederated plan of government. "The proposition," he says, "was expressly made by the delegate who brought it forward upon this principle: that a territory of such extent as that of the United States could not be safely and advantageously governed but by a combination of republics, each retaining all the rights of supreme sovereignty excepting such as ought to be contributed to the Union; that, for the better preservation of these sovereignties, they

ought to be represented in a body by themselves, and with equal suffrage; and that they would be annihilated if both branches of the legislature were to be formed of representatives of the people in proportion to the number of inhabitants in each State." There were many who objected to the Constitution because they alleged that in its powers and in their distribution it bore a close resemblance to the English monarchical system. These persons were met with arguments such as these: "Is there more danger to our liberty from such a President as we are to have than to that of Britons from an hereditary monarch with a vast revenue, absolute in the erection and disposal of offices and in the exercise of the whole executive power; in the command of the militia, fleets, and armies, and the direction of their operations; in the establishment of fairs and markets, the regulation of weights and measures, and the coining of money; who can call Parliaments with a breath and dissolve them with a nod; who can at his will make war and peace, and treaties irrevocably binding the nation; who can grant pardons for crimes and titles of nobility as it pleases him? Is there more danger to us from twenty-six Senators, or double that number, than to Britons from an hereditary aristocratic body, consisting of many hundreds, possessed of enormous wealth in lands and money, strengthened by a host of dependants, and who, availing themselves of defects in the Constitution, send many of these into the House of Commons; who hold a third part of the legislative power in their own hands, and who form the highest judicature in the nation? Is there more danger to us from a House of Representatives, to be

chosen by all the freemen of the Union every two years, than to Britons from such a sort of representation as they have in the House of Commons, the members of which are chosen but every seven years? . . . What bodies are there in Britain vested with such capacities for inquiring into, checking, and regulating the conduct of national affairs as our sovereign States? What proportion does the number of freeholders in Britain bear to the number of the people, and what is the proportion in the United States?"[1]

From these extracts it is very clear that Mr. Dickinson, at the time the Constitution was presented for ratification, was a pronounced Federalist, as the term was then understood; that is, he was its upholder with all

[1] The essays of *Fabius* were published anonymously. The following letter from General Washington to John Vaughan, expressing his opinion of them, is of interest:

"MOUNT VERNON, April 27th, 1788.

"SIR,—I have received your two letters of the 17th and 25th inst., and the papers containing the four numbers of *Fabius* which accompanied them. I must beg you to accept of my best thanks for your polite attention in forwarding those papers to me. The writer of the pieces signed *Fabius*, whoever he is, appears to be master of his subject; he treats it with dignity, and at the same time expresses himself in such a manner as to render it intelligible to every capacity. I have no doubt but an extensive republication of those numbers would be of utility in removing the impressions which have been made upon the minds of many by an unfair or partial representation of the proposed Constitution, and would afford desirable information upon the subject to those who sought for it.

"I am happy to hear of your father's safe arrival in Jamaica; you will please to tender my regards to him whenever you write.

"I am, sir, y'r most obed't h'ble serv't,

"G. WASHINGTON.

"JOHN VAUGHAN."

its peculiarities, the good in its provisions far surpassing, in his opinion, its objectionable features. It is clear that he advocated its adoption not merely because it supplied the defects of the Articles of Confederation, but also because it established an orderly system which, if not ideally perfect, had the merit of satisfying the wants of the larger number of the people. He went further, perhaps, than many Federalists of the time in laying stress upon the sovereignty or autonomy of the States, but, as we have said, he did this on conservative grounds; and possibly his mind had been specially directed to the dangers of proportional representation from his position as a delegate in the Continental Congress from the smallest of all the States. He seems, however, to have been affected, as time went on, by that alarming fear of a national consolidation of power which was felt by many anti-Federalists as the greatest danger to which the new system was exposed.

These essays of Mr. Dickinson are remarkable for the absence of any display of partisan feeling. They do not advocate the views of any particular political school. They read, as indeed do nearly all Dickinson's controversial writings, like the teachings of a philosopher, and their authority is vastly enhanced by the calm serenity and moderation of their tone. One would hardly suppose that they were written while a fierce fight of the friends and opposers of the proposed Constitution was going on around him. For the time being, at least, he took the part which had always so well become him, that of an independent. He hoped to persuade his readers to listen rather to the voice of reason than to that of party leaders.

It turned out, unfortunately, that he had underestimated the violence of popular passion. The controversy which had begun before the Convention met, and which was most active during its deliberations, was not closed when the Constitution was adopted and the new government had gone into operation. The same parties now found a new question, or rather the old question with a new face, in the interpretation of that instrument, about the adoption of which so fierce a struggle had been waged. The anti-Federalists objected to many of the measures which were urged, on the ground that a strict construction of its powers gave to the general government no authority to enact them. In short, the controversy was reopened with renewed vigor in regard to the merits respectively of a system more or less centralized and of one which was simply a federal compact using only powers clearly delegated; and these were the standards by which every measure proposed in Congress was tested. The Federalists, as is well known, insisted upon the right of the new government to exercise what were called implied powers,—that is to say, those which were necessarily derived from the general powers granted by the Constitution; while the anti-Federalists interpreted the Constitution to mean that no powers were to be exercised which had not been granted in express terms. The result was that many public men, and Mr. Dickinson was one of them, became alarmed at the liberal construction which was placed upon these provisions by the first administration, and, in the discussion that followed, the old crucial question whether the Constitution was an instrument formed solely by the constituent

power of the people, or whether it was a compact between sovereign States possessing only powers expressly delegated, divided the people of the country into two political parties. More or less it has been a cause of permanent difference between parties ever since. Perhaps it may not be considered absolutely settled at this day, although it has been submitted to that ordeal which fundamental irreconcilable differences in a nation must undergo in the last resort, that of civil war.

In the first administration, that of General Washington, such measures as the assumption of the State debts, the funding system, the protection of American manufactures by duties on imports, the internal revenue system, the incorporation of the United States Bank, and other measures of a general character, were all not merely regarded as violations of the Constitution, as it was said no express power existed to enact them, but were generally spoken of also by their opponents as indicating a dangerous tendency to consolidate power in the hands of the national government, and therefore a desire on the part of their advocates to establish here a monarchical system under a republican form.

Exactly what part Mr. Dickinson took in these discussions it is not easy to say with certainty. On the one side we have his opinions in regard to the Constitution, of which we have spoken, and of which he was the strenuous supporter and advocate; and on the other is the well-known fact that he was the warm friend of Mr. Jefferson and of his administration, and that he was frequently consulted by him in regard to the policy of certain proposed public measures.

Mr. Dickinson was not a member of Congress, nor did he hold any Federal public office, after the adoption of the Constitution, but it would appear from his writings and correspondence during the remainder of his life that he was in a party sense an anti-Federalist, or Republican, as the Democrats were then called.[1]

[1] It would appear from the following correspondence that his friends were desirous that he should represent Delaware in the Senate at this time:

"DEAR SIR,—Permit me to congratulate you upon the adoption of the Federal government. The enclosed paper contains some of my feelings upon this most auspicious event. It is intended as a present to Miss Sally.

"The success of the new government in restoring order to our country will depend very much upon the talents and principles of the gentlemen who are to compose the Federal legislature. Your friends in Philadelphia have desired you to be one of the members of the Senate from the Delaware State. I know how perfectly your present tranquil mode of life accords with the present happy frame of your mind. But remember, my dear friend, that 'none liveth to himself.' Even our old age is not our own property. All its fruits of wisdom and experience belong to the public. 'To do good' is the business of *life*. 'To enjoy *rest*' is the happiness of heaven. We pluck premature or forbidden fruit when we grasp at *rest* on this side the grave. I know, too, your present infirm state of body; but an active interest in the great objects and business of the new legislature for a few years, by giving tone to your mind, will invigorate your body. Should you only assist with your advice for one or two years, till all the wheels of the great machine are set in motion, your country will forgive your resignation of your seat in the Senate afterwards.

"With most respectful compts. to Mrs. Dickinson and Miss Sally and love to Miss Maria, in which my dear Mrs. Rush joins, I am, my dear sir, Yours sincerely,

"BENJ'N RUSH."

"MY DEAR FRIEND,—I am much obliged for thy letter of last month, and should be very desirous of pursuing the advice of a

During the seventeen years that he lived after the Constitution was ratified, his keen interest in public affairs and the eagerness with which his opinions concerning the policy of public measures was sought led him often to express his opinions, although he held no official position. We are left to speculate, as we have said, as to the causes which changed the views of a man who had been regarded during his whole previous life as a conservative of the conservatives, and led him to support those who advocated the popular, almost revolutionary, doctrines which were at one time (when the influence of the French Revolution was first felt here) held by the anti-Federalists, and who were opposed to the administration of the Federal government under General Washington and Mr. Adams. In the absence of any trustworthy history of the rise of political parties in this country (*hiatus valde deflendus*), we are at a loss to explain accurately the causes of this wonderful transformation. We think it very clear, however, that the Democratic views—if we may so call

friend who wishes well not only to me but to his country. However, it is impossible for me to engage again in the duties of public life. I believe there is not a man upon earth besides myself who can form any idea of the distresses, from weakness of body, that I have undergone by endeavoring to sustain a public character with some decency while laboring under such infirmities.

"I cannot think, with such a constitution and at such an age, of subjecting myself again to such inconveniences.

"Be pleased to accept my heartiest congratulations on the adoption by the eleventh State, and to believe me

"Thy sincere friend,

"JOHN DICKINSON.

"WILMINGTON, August 4, 1788.

"DR. RUSH."

them—held by Mr. Dickinson were as different from those maintained by the anti-Federalists, in regard to the interpretation of the Constitution and to the "rights of man" after the French model, as they were from those of Hamilton, Fisher Ames, or other pronounced Federalists. Mr. Dickinson, as representing Delaware, was necessarily an anti-Federalist and the opponent of any measure which looked towards the centralization of the national power, and that was enough in those early days to make him a good Democrat.

But while parties here were violently discussing questions relating to the interpretation of the Constitution, an unexpected event occurred which turned men's minds to a different method of ascertaining their friendliness or hostility to popular principles. That event was the French Revolution, which began its course a few months after our government under the Constitution was organized. The body of the American people had no doubt in the beginning of the genuineness and success of the French republic, and they viewed all doubts in others as arising from a love of monarchy. The Federalists were charged with a design to introduce into this country a government similar to that of England. The Alien and Sedition Laws, based upon an enactment in that country designed to stop the progress of the French Revolution there, were most unpopular here. The Senate, the Judiciary, and the Executive were pointed out as differing from the French republican system and so far differing from true republicanism. The enthusiasm in favor of the French in this country, and the sympathy which was manifested towards them because they stood alone in Europe,

threatened with attacks from all the great monarchical powers, were intense. The excesses of the terrorists, and, later, even the ambition of Bonaparte, did not destroy all the illusions which had taken possession of the anti-Federalists. They went so far as to insist that the only true type of liberty was that of which France had set us the example, that our own was but a "bastard imitation," and that their opponents were only monarchists in disguise, who were restrained by the good faith and honesty of Washington alone from turning our system in form, as they had already done in substance, into a monarchical government, such as that of Great Britain. The Federalists were not behind their opponents in denouncing the schemes and the doctrines of the Democrats. They called them Jacobins and infidels, and denounced them as disorganizers and revolutionists in State and in Church. When our foreign affairs became entangled with their troubles, as they soon did when hostilities broke out in 1793 between England and France, all who thought that the policy of the administration towards the belligerents should be that of cautious neutrality were denounced as faithless to our alliance with France, and as lacking in sympathy with those who in the Old World were struggling for liberty against tyrants. Neither the excesses of their revolution nor the extraordinary proceedings of Genet, the first minister of the republic here, in 1793, his insolent defiance of the government which had, as a neutral power, forbidden him to commission privateers in our ports to cruise against the English commerce, or his threatened appeal to the people in favor of France from the order of the govern-

ment to which he was accredited as minister,—none of these events could dispel the infatuation which led certain newspapers of the party to denounce the course of the administration towards this truculent envoy. This party was the anti-Federal, Democratic, or Republican (for by all three of these names it was called at different times), and to it Mr. Dickinson is said to have belonged.

It should be said, however, that although Mr. Dickinson advocated strongly the French alliance as a proper measure of our foreign policy, he never justified the excesses of the French Revolution on any ground. In the essays of *Fabius* he speaks of the "reign of monsters in France having ended," and, later, of the danger in which the country was placed by the "flood of atheism and democracy" which was pouring in upon us from France. Indeed, a government of violence and force, whether under the control of the monarch or under that of the mob, had always been opposed to his political instincts. The truth is that the Democratic party of that day, to give it the name which was finally assumed by the opponents of the first two administrations, was a body of a composite nature, its different parts attracting adherents for very different reasons. Thus, the governing classes in the Southern States called themselves Democrats or Republicans, but their political doctrines were based upon State sovereignty and a jealousy of the national government, and not upon any sympathy with the doctrines of equality and of popular rights laid down in the declaration of "*droits de l'homme et du citoyen.*" In that section of the country the ideal of the commonwealth was an agricultural

community formed of people with simple habits and needs, resembling that which prevailed in Virginia previous to the Revolution, the established Church and the entailed estates being destroyed. There was among this class a strong aversion to the trading classes, who were supposed to owe their fortunes to the weakness or the misfortunes of other portions of the community, and who were charged with having so managed the government under the administrations of General Washington and Mr. Adams as to have enriched themselves by the operation of the Funding Bill and kindred measures.

In the Northern and Western States, on the contrary, where society was very differently organized, Democracy presented to its adherents a different, if not an opposite, face. The party was especially large and dominant in the cities, and there European ideas of democracy formed the moving impulse, while questions of strict construction or the claims of State sovereignty were regarded as simple abstractions, without any practical importance or value whatever. There, sympathy with the ideas of the French Revolution was strong, and it was insisted that in our foreign policy we should favor France, even at the risk of violating our neutrality and at the expense of the other belligerent. Moreover, the Democratic party and indeed all parties at the North at that time were made up of an active, aggressive, and enterprising people, who were seeking by their own industry, trade, and commerce to enrich themselves, feeling that while they did so they were thereby increasing the influence and power of their country among the nations of the earth.

The cardinal principle of Mr. Jefferson, the leader of the Democratic party, was a dread of centralization, —a danger, according to him, inherent in the Constitution we had adopted, and made clearly apparent by the measures of those who first administered it. He no doubt honestly thought, as he repeatedly said, that by his election as President in 1801 this country had been rescued from the English monarchical system which his opponents were striving to establish. This belief (which seems to have been prevalent at the time among many prominent public men, but which is utterly unsupported by any evidence which history offers us) appears to have tinged his opinion of all the measures of the Federalists. Mr. Jefferson, besides feeling, like all the disciples of Rousseau, little sympathy with the trading classes of the nation, shown among other ways by such phrases as this, "that he wished that this country was separated from Europe by an ocean of fire," was in many respects what the French call an *idéologue*. His idea of statesmanship when he became President was to make every effort to harmonize parties at home (for he thought that the mass of his opponents had been deluded, but that they were not wilful in their delusions and would not persist in them), and to conduct our foreign affairs so as not to involve us in war. He seems to have had little conception of the imperial destiny which awaited his country. He had a passion for simplicity in all things, and especially in the administration of that most complex of human machines, a popular government. "What is necessary," he says, "to make us a happy and prosperous people? A wise and frugal government, which shall restrain men from

injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities." These ideas of the functions of government, which have never assumed any practical shape in its administration during our history, and least of all during the Presidency of Jefferson, seem to have had a strange fascination for Mr. Dickinson.

No stronger proof could be given of Jefferson's extraordinary capacity of influencing other men's minds, often those of his contemporaries who had been most thoroughly trained in state-craft, than Dickinson's conversion to his views. By adopting them he seemed to disown all the principles which had up to that time formed the basis of his political life. Hitherto he had always contended that he could form no conception of liberty unless guarded and protected by law, and that the only government in history which had brought liberty into friendly alliance with law was the English. Now we find him defending the new French theories, holding apparently with Mr. Jefferson that government should be a mere police force, and that social liberty requires no other safeguard for its protection. All this would seem strange and inexplicable enough, did we not remember that in France the wisest of philosophers and statesmen had been moved from their most strongly entrenched habits and prejudices as advocates of absolutism in government by the passionate declamations of Rousseau and Diderot to adopt similar opinions.

The two following letters, the first written on the day Mr. Jefferson was inaugurated, and the other some time previously, are good specimens of the opinions of Mr. Dickinson on the *delusions* of the Federalists:

"WILMINGTON, the fourth of the third Month, 1801.

"To GOVERNOR MCKEAN:

"MY DEAR FRIEND,—This day, added to the memorable events that have latterly preceded it, completes the wishes of those who sincerely love their country.

"Among that honorable band with pleasure I count my old friend, and therefore offer to him my heartiest congratulations.

"Having from my first outset in public life been deeply affected by the charms of Liberty, and having from that early period to my old age been, as thou knows, without fee or reward an advocate for her slandered righteous cause, the review affords me great satisfaction; and I thank God that I have lived to see her sacred, salutary principles so warmly adopted by my fellow-citizens, and so far practised upon for the accomplishment of all the blessings that by the laws of our nature are made dependent on her existence.

"Next to the humble hope of admittance into the mansions of everlasting happiness, the most cheerful prospect to us who are likely soon to land on the shore of immortality from this side of life, on which all who are dear to us are to continue still embarked, is purely this, that 'De Republicâ nil desperandum.'

"With an affection unimpaired by years, I remain thy friend,

"JOHN DICKINSON."

"WILMINGTON, the 9th of the 7th Month, 1800.

"To GOVERNOR MCKEAN:

"MY DEAR FRIEND,—Thy letter of the 23d of last month, with the enclosure, is received, for which be pleased to accept my thanks.

"I can form some estimate of the 'cares and labors' that must incessantly have engaged mind and body for the last six months, and rejoice at the prospect of 'calmer seas and gentle breezes.'

"I cannot but entertain hopes that many thousands of the *deluded* inhabitants of Pennsylvania will become sincere converts to Republicanism when they find the government of Republicans uniting

sound policy, firmness, justice, and mercy in its administration, and faithfully aiming at the promotion of general happiness. As for the *deluders*, the various classes of which have been well defined, may they ever be restrained by an unintermitting vigilance from endangering the public welfare. Their passions and prejudices deserve not the name of principles. They are hostile to liberty and the best interests of mankind, and I like the determination that gives them their proper title and meets them face to face.

"I hope my old friend will eminently contribute to vindicate the cause of truth, freedom, and human felicity. It is a cause allied to heaven, and it is better to defy its foes than to treat with them.

"I begin to entertain expectations that internally things are working together for good; but when I turn my view to the *country of storms*, 'nimborum in patriam,' I confess I look for nothing but deceitful calms, to be succeeded by the most furious and tempestuous agitation which ambition, avarice, and revenge are capable of exciting."

* * * * * * * *

It is, however, to be remembered that Mr. Jefferson's conception of government included practically many things which would not seem to be embraced by his narrow definition of its appropriate functions. It included not only the guarantee of equal and exact justice to all men under its rule, but the establishment of peace, commerce, and honest friendship with all nations, entangling alliances with none, the support of the State governments in all their rights, the preservation of the general government in its whole constitutional vigor, absolute acquiescence in the decisions of the majority, the vital principle of republics (from which, as he said, there is no appeal but to force), the enrolment of a well-disciplined militia, economy in the public expenses, and, indeed, almost all the objects which have been sought for by men since governments were first

established by them on earth. Doubtless it was not to a government exercising simply police powers, but to one which was made wise and beneficial by exercising the powers enumerated in Mr. Jefferson's commentary on his original definition, that Mr. Dickinson gave his willing adhesion.

The correspondence between Jefferson and Dickinson during the early years of Jefferson's administration was most confidential and intimate. The President writes to Dickinson on the 21st of June, 1801, on a subject which has tormented him, as it has done many Presidents since,—the distribution of official patronage. He says that he has been urged to appoint a person, of whom he knows nothing, Collector of the Customs in Delaware, and he writes confidentially to his friend for information, in case it be desirable to make any removal, "for," he says, "you know Republicans do not admit the removing any person from office merely for a difference of political opinion." So on the 19th of December of the same year he writes more fully on general politics. "The approbation of my ancient friends is above all things the most grateful to my heart. They know for what objects we relinquished the delights of domestic society, of tranquillity and science, and committed ourselves to the ocean of revolution, to wear out the only life God has given us here, in scenes the benefits of which will accrue only to those who follow us. Surely we had in view to obtain the theory and practice of good government; and how any who seemed so ardent in this pursuit could so shamefully have apostatized, and supposed we meant only to put our government in other hands but not other forms,

is indeed wonderful. The lesson we have had will probably be useful to the people at large, by showing to them how capable they are of being made the instruments of their own bondage. A little more prudence and moderation in those who had mounted themselves on their fears, and it would have been long and difficult to unhorse them. Their madness has done in three years what reason alone, acting against them, would not have effected in many, and the more so as they might have gone on forming new entrenchments for themselves from year to year. My great anxiety at present is to avail ourselves of our ascendency to establish good principles and good practices, to fortify republicanism behind as many barriers as possible, that the outworks may give time to rally and save the citadel, should that be again in danger. On their part they have retired into the Judiciary as a stronghold. There the remains of Federalism are to be preserved and fed from the treasury, and from that battery all the works of Federalism are to be beaten down and erased. By a fraudulent use of the Constitution which has made judges irremovable, they have multiplied useless judges merely to strengthen their phalanx."

It would probably help us very much in forming an estimate of Mr. Dickinson's character, after he became a friend of Mr. Jefferson, if we could discover the letter to which this extraordinary production of the latter was an answer, or if we could know how he regarded the opinions expressed in it. Unfortunately, after a diligent search, no direct reference to this letter is to be found among Mr. Dickinson's papers. Of one thing we may be assured,—that whatever Dickinson may have

thought of the Federalists and their schemes, and especially of John Adams, whom he had good reason to distrust, he never posed as the savior of his country, claiming that he had helped to rescue it from the imminent danger (which existed only in the imagination of some of the most violent of the Democratic party) of the transformation of the government into a monarchy. Nothing is more remarkable, as the reader must have observed, in all the controversial writings of Mr. Dickinson, than his careful abstinence from ascribing bad motives and sinister designs to his political opponents. Whether that opponent was Galloway, who tried to keep him out of the Continental Congress, in 1774, because he thought him not loyal to the British Crown, or John Adams, who denounced him because he thought him too friendly to it, his attitude was always the same,—a dignified and contemptuous silence, a calm consciousness that his actions would speak louder than words. So far as I have been able to discover, friend as he was of Mr. Jefferson, there is no evidence that he ever believed in that conspiracy of the Federalists to overturn the government and establish in its place a monarchy, the rumor of which so much alarmed the country, and the fear of which had so much to do with Mr. Jefferson's election to the Presidency.

Their correspondence continued during the first term of Mr. Jefferson's office. There is, among others, an interesting letter from him dated 9th of August, 1803, concerning the Louisiana purchase and the hopes with which he was inspired by this acquisition to our territory. Of course neither he nor any one else could have foreseen, at that time, what an imperial

domain these lands were to become in our hands. He says, "The acquisition of New Orleans would of itself have been a great thing, as it would have insured to our Western brethren the means of exporting their produce [this was the territory which our Commissioners in France were instructed to negotiate for], but that of Louisiana is inappreciable, giving us the sole dominion of the Mississippi. It excludes those bickerings which we know of a certainty would have put us at war with France immediately, and it secures to us the course of a peaceable nation. The *unquestioned* bounds of Louisiana are the Iberville and the Mississippi on the east, the Mexicano [Sabine River], or the highlands east of it, on the west, thence from the heads of the Mexicano, gaining the highlands which include the waters of the Mississippi and its source, where we join the English, or perhaps to the Lake of the Woods." He then speaks of the well-known constitutional difficulties about the purchase of the territory, and goes on to say, "With respect to the disposal of the country—we must take the island of New Orleans and the west side of the river as high up as *Point Coupée*, containing nearly the whole inhabitants, say about fifty thousand, and erect it into a State or annex it to the Mississippi Territory, and shut up all the rest from settlement for a long time," etc. He thinks it might serve as a place for transferring the Indians east of the Mississippi, and that this arrangement would present a double advantage, as the price for which the lands then held by the Indians could be sold would go far towards paying the purchase-money of Louisiana.

Mr. Dickinson, however, was not always in sympathy

with Mr. Jefferson's opinions or public acts. In the year 1805 there was a strong disposition manifested, especially in the Southern States, for the acquisition of Florida from Spain. As we had claims against the Spanish government for spoliations of the property of our citizens at New Orleans and at sea, and as there had been some incursions made by her Mexican troops on the line of the Sabine River (our southern frontier), it was hoped that by negotiating with the Spanish government all these difficulties might be settled at one time and the purchase or acquisition of Florida finally completed. Mr. Monroe was sent to Madrid to conduct this business, and completely failed to get any redress for our complaints or to make any advance towards the acquisition of Florida. It was thought proper by the President, in order to bring Spain to terms, to assume in his annual message, December, 1805, a warlike tone towards her. Probably Mr. Jefferson had no intention of carrying out his threats, especially as the public clamor at that time against the outrages of England and France upon our neutral commerce seemed more likely to force us into war with them than with Spain. But the tone of Mr. Jefferson's message alarmed Mr. Dickinson, and, friend as he was of the President, he felt called upon to remonstrate in the following letter to Dr. Logan:

John Dickinson to George Logan, Senator in Congress.

MY DEAR KINSMAN,—I have read the Message again and again, and the more I study it the less I like the most important sections of it. Perhaps future communications may throw light on the dark parts. At present they are obscured by a very portentous gloom. Particulars are not brought into view; but they must be outrageous

indeed, to correspond with the language that has been used in referring to them.

Surely we are not to be plunged into a war on account of such characters as the Kempfers. The idea that occurs to me is this—that our government has committed momentous errors in the negotiation with Spain, which cannot well be retracted, and now endeavors to cover them by an excitement of national passion. I have not the least doubt but that we have improperly alarmed and provoked her.

The western limits of Louisiana have never been ascertained by any treaties, ancient maps, or documents, that have come to my hands. Yet I have reason to believe that our late claims extend to the Rio Bravo, otherwise called the River of the North.

Then, again, to the northwestward our claims, as far as I am informed, are founded on arbitrary inferences from equivocal premises, whether becoming a great, just, and generous nation, I trust, will be most solemnly considered.

Perhaps, without deciding on the property of that vast country, or even allowing the property of the greater part of it to be in Spain, the only benefit that for ages can be derived from it, that is, a right of trading with the Indian tribes that inhabit it, might be secured to these States.

As to our eastern boundary, if it cannot be now finally established, it seems to me that at least a convention might be made for quieting the possessions of both parties until it can be established. This measure has frequently been adopted by nations differing about their boundaries.

Devoted as I am to the Executive, it is painful to me to feel myself compelled to think as I do on the present state of our affairs.

To rush into war at this time for the wildernesses beyond the river Mexicano, or on the remote waters of the Missouri, would be, in my opinion, madness. We want them not. We can hereafter have as much territory as we ought to desire. Nothing is so likely to prevent such acquisitions as the seeking them too eagerly, unreasonably, and contemptuously. In the natural course of things we shall, if wise, gradually become irresistible, and the people will sink into our population. Let us patiently wait for this inevitable progression, and not deprive ourselves of the golden eggs that will be

laid for us by destroying in a covetous and cruel frenzy the bird that, if left to itself, will from day to day supply them.

If thy sentiments on this subject accord with mine, let me most ardently entreat thee to make the strongest and incessant exertions to bring over others to approve and act upon them. Not a moment is to be lost. . . .

Before I close this letter I must recall thy attention to the impolitic and dishonorable trade to St. Domingo. Renew, I beseech thee, in due season thy motion to prohibit that trade entirely. Our rapacity in that respect and our ambition in acquiring territory will destroy our peace, our welfare, our reputation.

Let us never forget how essential a character for *moderation* is to the happiness of a *republic*, nor the dreadful comment made upon it by the League of *Cambray*.

I am, very truly, thy affectionate cousin,

JOHN DICKINSON.

WILMINGTON, the 19th of the 12th month, 1805.

In 1795 political passions were at fever-heat throughout the country. The excitement was caused by the ratification of Jay's treaty with England. By this measure we were supposed to have practically abandoned our alliance with France, and to have submitted to ignominious terms in the agreement we had made with England. There was no yielding up of the forts in our territory which had been held contrary to the treaty of 1783, no compensation for the carrying off of negro slaves during the war, no giving up of the impressment of seamen, nothing but restrictions upon our commerce with the colonies of Great Britain, while our ports were to be free for her vessels. The provisions of this treaty became the occasion of the most wearisome debates of the time. Matters of domestic interest were forgotten for the moment by politicians who thought very much more how their acts might aid the

foreign policy of the French Convention or affect Mr. Pitt's measures than of the most important home interests. During the first ten years of the existence of the government many foolish things were done, many more talked of; but that our opinions on our own political measures should be determined by the encouragement or opposition which they gave to the French Revolution could hardly have been dreamed of when the Constitution was planned. There was but one policy for us to pursue in our intercourse with foreign countries, and that was the one afterwards laid down by Jefferson, of "avoiding entangling alliances." There was but one practical question for us to settle, and that was how far the treaty of alliance of 1778 imposed upon us the obligation of aiding France in her present struggle. Mr. Dickinson felt it his duty after the ratification of Jay's treaty to come forward and plead for the continued alliance with France. Such was the motive which led to the publication of the second series of letters signed *Fabius*, which appeared in 1798. We find in his correspondence with Governor McKean an explanation of the reasons which led him to take a part in this controversy.

John Dickinson to Thomas McKean.

(No date.)

MY DEAR FRIEND,—A strong sense of duty compels me to offer some remarks on the present situation of public affairs to the consideration of my fellow-citizens. The first number has appeared, under the signature of "Fabius," in the *New World* of the 12th instant.

My infirmities are so great that I cannot bear the fatigue of turning over many books or publications; but, after some preparatory letters,

I propose to consider the causes of disgust our conduct has given to the French government.

As we think, I believe, a good deal alike on late transactions, as I know thy extensive information, and can rely on thy friendship, I request thee, in the name of our country, to give me what assistance circumstances will permit.

To me it appears that the best way of proceeding will be to select a few striking points, *the grounds* of which can be *maintained* against any attacks. To make weak charges will do no good, and may do harm.

I take it that the late treaty gives advantages in commerce to Great Britain which she had not before. What are they, that it gives her greater advantages than France has? What are these, that it contains violations in words, or in effect, of our treaty with France? What are those also?

In short, I earnestly desire thee to supply me *every* sort of useful information that thou thinkest my feeble diligence may apply, agreeably to thy wishes.

I do not desire to obtrude my name on the public, and therefore I should prefer that the fact of my being the writer should rather be guessed at than avowed.

* * * * * * * *

Thy truly affectionate friend,

JOHN.

Mr. Dickinson's object in printing these letters was the conciliation of parties, and the establishment of a policy in our dealings with France upon which all could agree, because it would be based upon justice and a proper sense of gratitude to that country. They contain almost the first words of truth and soberness which had been written on this subject in this country. Heretofore our relations with England and France had depended much upon the possession of power by the Federalists or by the Republicans. Mr. Dickinson desired that our foreign relations should be placed upon a

juster and a broader basis. He took, therefore, very high ground against any action on our part which would be likely to weaken the French alliance of 1778. In 1797, it is to be remembered, Bonaparte was unknown on this side of the ocean, and no one dreamed of the extraordinary military success which attended his future career. France presented herself then in the attitude of a republic only, having proved herself competent to establish her liberties upon the trophies of her victories over those who had denied her right to live, stretching out her right hand to us, and proffering to us her friendship. While she was in this amiable condition, we must be willing to forget, it was said, the fancied insults of Genet and Adet, or regard them as the outbreaks of an exuberant activity, and remember that whatever else changed in France, and however corrupt and truculent her present rulers might be, the French people, like the American people, still survived behind all parties: in short, that the cord of sympathy was unbroken between us. There is one peculiarity about these letters, so uncommon at that time as to be very striking, and that is the absence of that tone of exaggeration, abuse, and ascription of bad motives to opponents which was then well-nigh universal in the political controversies of the time. Their tone was very unlike that of Jefferson, for instance. Take the famous Mazzei letter as an example, in which Mr. Jefferson tells his correspondent "that an Anglican monarchical and aristocratical party had sprung up. The open purpose of these men was to pull over the United States the substance, as they had already done the forms, of the British government. The Executive

was with them, the Judiciary was with them. All the officers of the government, all men who wished to be officers, all who traded on British capital, who speculated in the funds, who owned shares in the bank, were joined together on the English side." It is worth while to contrast the rancorous hatred of his opponents which is expressed by Jefferson in these words with the calm, dignified, statesmanlike spirit which Dickinson brings to the discussion of these same questions about the same time. Nothing is more strikingly characteristic of the difference between the minds of these two men, or shows more clearly where the true superiority rests. As it turned out, both of them were fighting what proved to be mere phantoms, Mr. Jefferson dealing with an English monarchical party which was non-existent except in his imagination, and Mr. Dickinson with a French nation which had no ambition for conquest, with Napoleon at its head, and hence these productions remain as specimens only of the style adopted by each in discussing political questions. The one has all the tricks of the politician; the other, although a party writer, shows the anxious desire of the seeker after truth to reach the reason and the hearts of those whom he addressed.

He speaks of the value especially of our friendship with France. Like all the diplomatists of the Revolution, he does not advocate the policy of such a relation upon any sentimental or humanitarian grounds, nor does he appeal to the fact that both nations are republics, but he urges friendly relations with France for the simple reason that our self-interest demands them. He says, indeed, that he regards the establishment of

a republic in France as an auspicious event in the history of mankind, and that on every account it is our interest to consolidate the strength of such a republic in Europe, to work for her peace and prosperity, and to aid her in securing it, by making our alliance still stronger.

If Mr. Dickinson had been led, as we may think, to advocate a French alliance too strongly and too unreservedly, we must attribute the error to the generosity of his nature, and to the gratitude which he always felt for what France had done for us. In common with some of the most illustrious men of that generation, especially in England (of whom Sir James Mackintosh, the author of the famous *Vindiciæ Gallicæ*, was the most conspicuous), nearly every one was blinded by the enthusiasm which was felt for the success of the French Revolution. Mr. Dickinson regarded it as the beginning of a new and happy era in the history of mankind. He was willing to look upon its early excesses as pardonable, or perhaps inevitable, considering the work which in the providence of God he felt that it had been appointed to do. Hence his faith in French republicanism was persistent, and this was no doubt the ground of his earnest desire that this country should extend to republican France a practical sympathy in every way in our power.

But the time came when there could be no longer any doubt that the French government and the French nation had become tired of republicanism and were ready to substitute for it an imperial system. This change of sentiment became apparent when the rupture of the Peace of Amiens, concluded in 1802, made

it clear that the ambition of Napoleon, and not the happiness of the people under republican methods, would be thenceforth the governing motive in French policy. The conviction that such a change had taken place changed at once the current of Mr. Dickinson's sympathies. From having been an ardent friend of France, and a promoter of an alliance on our part which would draw the two nations more closely together, he became as bitter an opponent of the French imperial system as the most ardent Federalist in the country. In 1803 he wrote and printed anonymously a pamphlet entitled "An Address on the Past, Present, and Eventual Relations of the United States to France." In this pamphlet he describes all that France had done for us in the Revolution, and insists that our obligations of gratitude to her when she became a republic were in every way stronger than if she had preserved the monarchy; that while one party here had neglected to recognize these obligations, the other had always striven to enforce them.

"But," he says, rushing from one extreme to the other, and contrasting the picture of what France was and what she might be, actual and potential, under a republic, with what she was likely to become, as far as foreign powers were concerned, under the new *régime*, "it has become our painful office to declare that these pleasing hopes have vanished. The virtues appear to be proscribed by ambition. A gigantic power seems animated by the devastating spirit of conquest, and glares with a fierce aspect on all around." In genuine alarm he goes on to say, "When we consider the ascendency which France has acquired over Spain, we

think that the territories of the latter on this continent may, with propriety of language, be said to belong to the former; and when we consider, also, how unimportant Louisiana must be of itself to France, we cannot entertain the least doubt but that the French government means to acquire the dominion of all America, and that the possession of Louisiana is to be the first act of the tragedy." He goes on still more violently to deplore the fate of this country: "Your young men and your sailors will be compelled to serve in armies and on board of fleets in distant regions and untried climes wherever the ambition and rapacity of their masters may destine them, to bleed and to perish, while large bodies of foreign soldiers will be stationed among you, to extort taxes from you and to awe you into submission under every injury and insult." What, it may be asked, is the remedy suggested for these direful calamities? "A conjunction of the naval powers of Britain and these States may in a short time seize every island held by France and her associates. It may do more." . . . But these extravagant fears were soon dissipated by our purchase of Louisiana, and we hear no more of dangers to us from French intervention.

CHAPTER VIII.

MR. DICKINSON IN PRIVATE AND DOMESTIC LIFE.

It has been our aim to show in the preceding chapters how the influence of Mr. Dickinson as a political writer was in a great measure due to his advocacy at an opportune time of great ideas which seemed to meet the needs of an important crisis in the history of the country. The "Farmer's Letters" might have produced but little effect had they appeared when men were happy and contented with the system of government under which they lived. People would probably at such a time have taken but little interest in a series of treatises defending certain abstract propositions in regard to the relations between the metropolis and the Colonies. But when they appeared all men knew that a crisis had arrived, and they welcomed with extravagant joy the man who could best interpret its lessons. It has always been in this way, by a certain instinct of genius, that men who rule their fellows acquire their control over them. They know by a certain prescience when danger, which others have not perceived, is at hand; they are bold enough to propose at once a remedy which their own minds have long brooded over in anticipation of the event, and they are strong and skilful enough to make those who listen to them feel that they have chosen the appropriate one for the emergency. This, fortunately for the fame of Mr.

Dickinson, was the position he occupied nearly always in the political controversies of his time. Whether he was denouncing the tyrannical abuse of power in the enactment of the tax acts, or showing how resistance might be effectual and yet constitutional, or whether he was advocating with equal earnestness the policy of maintaining the political connection with Great Britain, because that connection, under constitutional restraints, was the surest guarantee of good government, his interposition seemed always opportune, and his motives for the course he advocated reasonable, in the opinion of those whom he sought to influence.

On such questions his position was always the same. He was never, as he said time and again, a *volunteer writer*. He wrote because he thought he had something to say which would be useful to those who listened to him at a particular time, and because he felt earnestly that it was his duty to point out to his countrymen what seemed to him the only way out of the perils by which they were surrounded. His influence was due in a great measure to his reputation for independence. He was not, either in his party principles or in his social surroundings, affiliated with those called "Proprietary men." Although he thought in 1764 that the government of the Penns, with all its evils, was, on the whole, to be preferred to a royal government under the direct control of the ministry, with none of the special privileges guaranteed by Penn's charter, yet he never held any office under the Penns, and certainly disapproved of much of their policy, especially that in regard to taxation and military service. The Penn family, indeed, had nothing to offer which could tempt

him from the independent position he occupied in the Province. He was not, as he is sometimes misrepresented, a stupid Tory, resisting any change which might be required in the political relations of the mother-country with the Colonies; still less was he a blind advocate of Proprietary government, but rather in many respects an English Constitutional Whig, who, while he believed that the monarchy under which he had been born was, on the whole, the best government which the wit of man had yet contrived, nevertheless felt that one of the great advantages of such a system was that it not only permitted but encouraged opposition to usurpations of lawful authority, whether by the king or by the Parliament. He was not, strictly speaking, even a Quaker; for although of Quaker ancestry and bred in the customs of that society, he showed himself too large a man to be bounded in his opinions by their practices. As has been seen, he always advocated defensive warfare; and although his opinions on this subject never, it is believed, made him amenable to their discipline, it is very clear that he did not hold the opinions of those gentle sectaries on this important point. In short, Mr. Dickinson was not, in the modern sense, in the least degree a revolutionist, and in all his acts he never showed any ambitious desire to place himself at the head of a revolutionary movement.

It was the general belief in his moral earnestness and his absolute independence which was the secret of his commanding influence. Men might disagree with him in the conclusions he reached concerning the proper course to be adopted, but no one could doubt his intelligence or the depth and sincerity of his patriotic

motives. There was nothing of the self-seeking modern politician about him, and hence we are presented with the curious spectacle in our political history of a man who, in a great crisis, was hardly in accord with any one of the party-leaders, yet who was nevertheless, to a certain extent, the guide of all parties, for oftentimes he was trusted by all. Mr. Dickinson was known, of course, to be opposed to an immediate Declaration of Independence, yet he was at that very time the man chosen by Congress to prepare such papers in anticipation of the event as the Articles of Confederation and the form of treaties with foreign powers which it might be advisable to adopt. So when, three years afterwards, the fate of the war seemed to depend very much upon our making Spain our ally as well as France, Mr. Dickinson was called from his retirement in Delaware, sent by that State as a delegate to Congress, and there conducted, in conjunction with Mr. Jay, the most experienced man in foreign affairs then in Congress, the important negotiation which resulted in sending Jay as our Commissioner to Madrid in the autumn of 1779. It seems that in this resort to Mr. Dickinson's services there was a recognition not only of his ability as a diplomatist but also of his perfect independence and trustworthiness as a public man.

On the whole, then, although he had nothing to gain, and much to lose, personally, by the adoption of violent measures, yet it would seem to have been the general opinion of his contemporaries that his political course was not affected by considerations such as these. His large fortune, his family connections, and his professional reputation no doubt helped to deepen the im-

pression upon people of his perfect independence in urging the opinions which he had maintained as a student and as a lawyer, while they contributed to foster that sentiment of trust in him which is the indispensable condition of any one's success as a statesman.

Any sketch of Mr. Dickinson's career would be imperfect which did not bring into prominent notice some of the characteristic traits of his private and domestic life. He conformed to that high standard of simplicity in manners and purity in morals which was not the least remarkable peculiarity of many prominent men of the Revolutionary era. Throughout his career he seems to have been a model of zeal and industry in the exemplary performance of the private as well as the public duties which devolved upon him. As a son, as a husband, as a devoted friend, he was loved and venerated by the innermost circle of those of whom he formed the central figure. His letters to his mother in his early manhood are characteristic of his temper throughout life. His mother had become a widow shortly before he had established himself in Philadelphia, her husband having died in 1760. Of this lady, whose kind and unremitting care of him in his childhood he never ceased to regard with the most grateful affection, Mrs. Deborah Logan says, "Mr. Dickinson's mother was Mary Cadwalader, daughter of John and Martha Cadwalader, of Merion, near Philadelphia. She was married to Samuel Dickinson on the 4th of November, 1731, O. S. She was a distinguished woman, of fine understanding and graceful manners, and it is probable that he early imbibed from her a taste for literature, for her mind was well educated, and his

education was domestic, the late Chief Justice Killen, of Delaware, having been his tutor. His proficiency in his studies filled the minds of his parents with delight, and was an anticipation of their future satisfaction in possessing such a son, for his filial attentions were most exemplary." Some of his letters to his mother, written after he had settled upon his course in life, are quite characteristic, and a few extracts from them may not be unwelcome.

John Dickinson to his Mother.

PHILADELPHIA, January 15, 1763.

HONORED MOTHER,—I should have been very happy in seeing my dear brother last Thursday was a week, if he had not informed me that you have got a cold. I must declare that apprehensions of your exposing yourself too much to the weather make me almost constantly uneasy. Let me entreat you to take the same tender care of yourself that you have always done of children too little deserving it. This will be infinitely the most grateful manner to them of your taking care of them. Preserve a life that will be a perpetual incitement of us to worthy actions. Preserve to us the highest delight that earth can afford us next to a sense of the Divine approbation, the inexpressible joy of a parent's applause.

May indulgent Providence grant me the blessing of rendering your life happy, and I shall believe I have not existed in vain.

I speak for the Fellow as well as myself, for he has an honest, generous heart.

He is too much engaged to write, but desires his duty may be presented. He is very hearty.

* * * * * * * *

Same to Same.

September 14th, 1763.

HONORED MOTHER,—In answer to what you mention concerning the disposal of our family, I can only say that whatever is agreeable to you will be perfectly so to me. I believe our sentiments with respect to selling are the same. I would by no means approve of it

unless the people desire it. In such case I would sell, taking care to get them good masters.

If we sell, I think it would be proper to advertise, as prodigious prices are given in New Castle County and in this Province.

I should expect seventy or eighty pounds at least for women and children on an average.

I shall be quite happy when you are disencumbered from the fatigues of such a family and settled in peace and ease among your friends here. I think you will be much pleased with the situation and conveniences of this house. There is a fine open passage for the air backwards, a large, pleasant garden, and the rooms very good. I am charmed with the place; so is Aunt Cadwalader; and she says you will be so. Money flows in, and my vanity has been very agreeably flattered of late. I have not been so hearty these many years as I have been this summer; quite free from the complaint in my breast and the headache.

* * * * * * * *

I have sent a pound of fine powdered bark. Pray take care of your health. Do not fatigue yourself by all kinds of business, nor expose yourself in all kinds of weather. Prefer ease to everything. Your age and tenderness require it—demand it. You say, and I sincerely believe it, that your most anxious wish and prayer is for my brother's happiness and mine. Be assured, most honored mother, that the preservation of your own health will be the most effectual means to promote the happiness of your most dutiful and most affectionate son,

JOHN DICKINSON.

Mr. Dickinson had probably not been long a resident of Philadelphia without becoming a visitor at Fairhill, the country house of the venerable Speaker of the Assembly, Isaac Norris. The Norris family at that time was among the most conspicuous and wealthy of the Quaker inhabitants. It had given to the public service two men, father and son, each bearing the same name, Isaac Norris, whose career in the Assembly of the Province for more than half a century had been identified with its wonderful prosperity. Those were days

in which great confidence was placed in men in office whose large private estates seemed a guarantee of their interest in the good government of the country, and these two men were as widely known for their intelligence and probity as they were for their wealth and public spirit. They pursued, as leading members of the Assembly, a policy in the administration of Provincial affairs which made good government and Quaker government convertible terms. Isaac Norris the elder, who died in 1739, had been for many years prominent in public life. He had been Speaker of the Assembly many times, mayor of the city, chief justice of the Supreme Court, and at all times one of the leaders who shaped the policy of the Province.

Isaac Norris the younger (died 1769), or the Speaker, as he is commonly called, followed very much the same course as his father. He is known in the history of the Province for the efforts which he made to conduct the affairs of a populous community without sanctioning war or warlike measures. In advocating this policy he and his friends were forced to adopt a system of administration till then untried in any of the English colonies, namely, absolute humanity and justice in the treatment of the Indians and a continual protest against the doctrine that as an English colony Pennsylvania should take an active part in the wars in which England might be involved, although as a Province it had no conceivable interest in their settlement. We may perhaps smile at the casuistry which they sometimes employed to justify appropriations for warlike purposes when there was no escape from such a necessity. But, after all, their opposition taught them a

much broader philosophy than they dreamed of, and no one can read the proceedings of the Pennsylvania Assembly previous to and during the Revolution without observing how enlightened public sentiment here had become by the discussion of the nature and extent of the political rights of the Province in the Quaker Assemblies of which these two Norrises, father and son, had been so long leaders.

Another Colonial grievance which the Assembly was called upon to redress in his time was the obstinate pretension of the Penn family, as has been already explained, to an exemption from the common burden of taxation. Unanimously the Assembly had voted that this claim of exemption was unfounded in law or in equity,[1] but the venerable Speaker and his young friend and colleague Dickinson were almost the only members of the Assembly who refused to believe that the condition of the Province would be improved by the remedy which was suggested, namely, the substitution of a royal government for that of the Proprietary under the charter. When the Assembly had determined to present a petition to the king, praying that such a change should be made, and Dr. Franklin and Mr. Norris were appointed to go to England and advocate its adoption, Mr. Norris felt that the time had arrived for his retirement from public life. He declined a re-election to the Assembly and refused the appointment of Commissioner to England.

Under these circumstances, bound together by a community of political opinion at least, Mr. Dickinson

[1] Galloway's Resolutions of 1764.

was no doubt a welcome visitor at Fairhill. He was, indeed, soon drawn there by a powerful attraction of a different kind. His host's family consisted of himself and his two daughters. To the elder of these ladies Mr. Dickinson soon became strongly attached.

It seems proper to give here some account of Fairhill, not only as the place where the happiest days of Mr. Dickinson's life were passed, but as a typical country residence of that time, resembling many of the places in the neighborhood of the city, half farm and half country-seat, where such families among the Quaker aristocracy as the Logans, the Pembertons, the Cadwaladers, the Lloyds, the Whartons, the Fishers, and others passed the greater portion of their lives.

For this purpose we cannot do better than borrow the account of Mrs. Deborah Logan, who, from having been born and reared at Fairhill, was able to give a characteristic description of the house and its surroundings, as well as of the style of living maintained there:

"Fairhill, built by Isaac Norris upon the same plan as Dolobran (a seat from long antiquity possessed by the Lloyd family in Montgomeryshire, North Wales), at least as to the ground floor, was finished in 1717, and was at that time the most beautiful seat in Pennsylvania. The sashes for the windows and much of the best work were imported from England. The entrance was into a hall paved with black and white marble, two large parlors on each side, and an excellent staircase, well lighted. The courts and gardens were in the taste of those times, with gravel walks and parterres. Many lofty trees were preserved round the house, which added greatly to its beauty, and, at the time of my remembrance, the out-buildings were covered with festoons of ivy and scarlet bignonia. Isaac Norris had been very prosperous in trade, which at that period offered uncommon facilities. His son Isaac Norris the Speaker succeeded his

father in the possession of Fairhill, as he did in his talents, abilities, and public usefulness. As he was learned and fond of literature, he collected together a very good and extensive library. It was placed in a low building, consisting of several rooms, in the garden, and was a most delightful retreat for contemplative study; the windows curtained with ivy; the sound of 'bees' industrious murmur' from a glass hive which had a communication from without, and where their wonderful instinct could be viewed. Beautiful specimens of the fine arts and many curiosities were also collected there, the shelves were filled with the best authors, and materials for writing and drawing at hand. In this place Isaac Norris the Speaker spent all the time that his health would permit which was not devoted to public business. He had lost an amiable wife after a few years of marriage (he married Sarah Logan[1] at Germantown, Wednesday, 4th day of the week, June 6, 1739). She left him two daughters, whose education he carefully superintended at home, and they grew up such women as realized his fondest wishes.

"His house was kept by his eldest single sister Elizabeth, who was a woman of exemplary piety and virtue, of an affectionate, frank disposition, kind and hospitable in no common degree. A cousin of the Lloyd family constituted another member of his family. Her parents had been unfortunate, but she found at Fairhill an asylum like a father's house. She took the active part in the care of the family, knew how to prepare every delicacy for the table, and was uncommonly good-tempered and cheerful. Another inmate of this society, and who still lives, though in her ninetieth year, is the daughter of his sister Griffitts, a woman of uncommon natural abilities, improved by reading and the conversation of her uncle, of sincere and ardent piety, and who held the 'pen of a ready writer.' Her poetical pieces, though never collected, were sometimes published, and many of them had great merit.

"The family frequented a little meeting-house built on a lot of ground which William Penn had given to George Fox, which he bequeathed to the Society of Friends in Philadelphia. Close in the neighborhood of Fairhill, it was called after its name, and all the decent strangers who frequented it on a First-day morning (the only time on which it was held) were sure of an invitation to dine at that

[1] Eldest child of James Logan.

hospitable mansion, where an excellent dinner and the kindest welcome awaited them.

"When I said that the fondest wishes of Isaac Norris the Speaker with respect to his daughters were realized, I meant a great encomium, for no man had higher ideas of female excellence than himself. To describe more particularly: my cousin Mary (Mrs. Dickinson) had a very sweet and benevolent expression of countenance, a solid judgment, good sense, a most affectionate disposition, the tenderest sensibility of heart, and elevated piety. The love that subsisted between herself and her sister was such a perfect union of hearts that they both seemed to be actuated but by one soul. Sally was nearly four years younger than Mary, and so beautiful and of such an uncommon character that I am fearful the language of truth will be thought that of panegyrick. . . .

"Charles Norris died January 15, 1766. Isaac Norris the Speaker, who was many years older and in infirm health, did not long survive the shock, but followed his brother in about six months.

"He was born the 23d of October, 1701, about seven in the evening, at Sam Carpenter's house in the bank, the 5th day of the week, and died at Fairhill, July 13, 1766. He made no will, but left his daughters heiresses to a very large fortune. After his decease they fulfilled all his intentions by settlements and legacies, and by a deed of gift entailed the great estates of Fairhill and Sepviva upon my brothers as heirs male of the family.

"Sarah Norris died the 24th of June, 1769, of the small-pox. . . . The grief of her sister was indescribable, and produced a deep and settled gloom upon her mind which her friends feared would terminate in entire melancholy.

"At last a most accomplished gentleman who had long loved her, who had possessed her father's esteem and her sister's kindness, but who had in her sister's lifetime received a respectful rejection from her, again renewed his suit, and was more successful. This was the excellent John Dickinson, Esq. His character will long be remembered by the wise and good and held in deserved estimation by his grateful country. (Mary Norris married J. Dickinson July 19, 1770.)

"They had not long been married and settled at Fairhill, where they lived in great elegance, when the threatening cloud which had for several years hovered over these, then, colonies, became more

dense, and was apparently filled with the lightning of royal and parliamentary vengeance.

"The part which my cousin Dickinson took in the struggle is well known. It became necessary fully to ascertain the sentiments of the people in the interior of the Province before a daring opposition could be made by those on the sea-coast and the calling of a general Congress determined on. For this purpose a party of pleasure was devised: Hannah Harrison (afterwards the wife of Charles Thomson) accompanied her cousin Mary Dickinson; and Charles Thomson, his friend John Dickinson, General Mifflin, and his pleasing wife, were likewise of the party.[1]

"What was then called the interior did not go beyond Reading, Bethlehem, Lancaster, York, and Carlisle. The travellers found the public sentiment favorable to their purpose.

"On second day[2] after Charles Thomson and Hannah Harrison were married he came to Philadelphia with an intention of paying his respects to my mother, as the near relation of his bride; but he had scarce alighted when he heard himself accosted by the doorkeeper (or a messenger) of Congress, then just convened for the first time in Philadelphia, who informed him that they requested his immediate attendance. He followed the messenger into a building near at hand (the Carpenters' hall, now the custom-house) where they held their first session, and, advancing in front of this truly august assembly, he bowed and awaited their pleasure. When the Speaker informed him that Congress requested his services as their secretary, he immediately took his seat at the table; nor did he, having put his hand to the plough, ever look back. His heart was in the cause, and he continued in this station of unremitting fatigue and responsibility till the perilous war was ended, and the sun of empire, emerging from its troubled waves, grew into broad refulgence and

[1] I have heard that in most of the other States influential characters made similar experiments on the situation of the public mind. In Pennsylvania it was proper to know how the Germans would act. The party made a *fête* in the woods near Reading, to which many of the farmers were invited, who assured them that their countrymen were almost unanimous in the cause. One old man said that his father had fled from great oppression in Germany, and on his death-bed charged his sons to defend the liberties they enjoyed in this country, if it should be necessary, with their lives.

[2] Monday.

dissipated with its invigorating beams the mists of error and confusion. But, before this was effected, the situation of the good people of these States was hazardous and doubtful in the extreme; privations were endured, scenes of anxiety and alarm as well as actual suffering were witnessed and experienced, which, contrasted with our former ease and security, were certainly hard to bear. At different periods of the war expectations of the approach of the enemy's army towards Philadelphia caused all that had been active in opposition to seek safety in flight, and both Fairhill and Summerville[1] were abandoned by their inhabitants, neither of the families ever returning to inhabit them again, for Fairhill[2] was burned to the ground by the depredations of the British forces when possessed of Philadelphia, and Summerville, though left standing, was but little better than a ruin.

The circle to which the Norris family belonged was a somewhat exclusive one, as those of their own religious and political principles formed something of a caste in Provincial society. These families were usually wealthy, according to the standard of those days, but, retaining the strict principles of the Friends, they were profuse in their hospitality, and lived without ostentation. They had very decided opinions, however, about what was becoming their station, and we read in Mr. Adams's Diary of his having been visited by Mr. Dickinson "in his carriage and four beautiful horses," and "that his residence was very fine, with its

[1] Residence of Charles Thomson after his second marriage. The property belonged to Mrs. Harrison through the kindness of Isaac Norris the Speaker.

[2] Fairhill and sixteen other seats and houses in the vicinity of the city were fired. It was alleged that persons concealed in these houses fired on the English pickets. A person who was present at head-quarters heard Colonel Twistleton (afterwards Lord Say and Sele) exultingly tell General Howe that he had burned that d—— rebel Dickinson's house, meaning Fairhill. Galloway, who was also there, told him he was mistaken, that Mr. Dickinson had indeed resided there, but it was the property of a minor. . . . Fairhill was burned November 22, 1777. The interference of Galloway, it was said, prevented any more orders to burn houses.

beautiful prospect of the city, the river, the country, fine gardens, and a very grand library," etc.

This family was a type of many which had risen to wealth and importance during the first half of the eighteenth century. During that period the excellence of its soil, the variety of its productions, and its extensive commerce had made Pennsylvania the most prosperous of all the English settlements in America. As the inhabitants grew in wealth their ideal type of civilization and culture may not have been, according to our present standard, a very lofty one, yet it must not be forgotten that the true governor of the Province during that time was James Logan, the most learned man in America outside the theological domain. Franklin followed in his footsteps, and in 1743 felt sufficient encouragement to found here public institutions which still exist and flourish, and which were designed to promote useful and experimental knowledge, such as the "Junto," the parent and forerunner of the American Philosophical Society, the Public Library, and the College of Philadelphia. Isaac Norris, inheriting from his father-in-law, James Logan, a library of extraordinary value, enlarged its treasures, and passed on to *his* son-in-law, John Dickinson, that key of knowledge which enabled him to unlock for the benefit of the suffering Colonies the secrets of state-craft.

Mr. Dickinson was married to Miss Mary Norris, as stated by Mrs. Logan in her narrative, on the 19th of July, 1770. On this occasion two of his characteristic traits, his independence and his contempt for the vulgar display common at weddings in those days, became, according to tradition, conspicuous.

William Logan (the son of James) writes to his brother-in-law, John Smith, of Burlington, under date of July 20, 1770, "Should this be the first account thou receivest, thou wilt be greatly surprised to hear that our niece, Polly Norris, was married last night to John Dickinson. Polly informed my brother James of it last First Day, when he was at Fairhill, but enjoined the strictest secrecy. He and wife were asked to the wedding. She went, but *not Jemmy*. She was married at the Widow Norris's by George Bryan (one of the magistrates). Very few present. John Dickinson's mother and his brother, Dr. Cadwalader, wife, and his son Lambert, Hannah Harrison, and some of Sam. Morris's children, with my sister Logan, were the chief. I am greatly concerned for the example Polly has set by this her *outgoing* in marriage." (Referring to her not having been married at the Friends' Meeting.) "I fear she has slipped from the top of the hill of the reputation she had gained in the Society and among her friends, and that it will be a long time before she gains it again, if ever. I wish she may not repent it."

Mr. Dickinson's modest shrinking from public notice on such an occasion has not, unfortunately, many imitators in these days. In anticipation of his marriage he wrote to the publishers of every newspaper in this city the following note:

"GENTLEMEN,—I earnestly entreat as a favor of great weight with me that you will not insert in your newspaper any other account of my marriage than this: 'Last Thursday, John Dickinson, Esquire, was married to Miss Mary Norris.' An account of the expressions of joy shown on the occasion will give me inexpressible pain, and very great uneasiness to a number of very worthy relations."

No doubt Mr. Dickinson's good taste, as well as his sensibility, was shocked by the prospect of being forced to pass the ordeal usual on the occasion of a public marriage in those days. No wonder he disliked the house of the parents filled with company at dinner, the company remaining to tea and to supper, punch dealt out with profusion for two days, the gentlemen escorting the groom to his chamber, where they all, sometimes a hundred in number, claimed the privilege of "kissing the bride." No wonder he revolted at vulgarity like this. These are small matters, but they indicate a certain delicacy and propriety which were characteristic of the man.[1]

[1] Two more instances of his characteristic modesty may be given. He was asked in the latter part of his life for a copy of the address made to him by the Schuylkill Fishing Club concerning the "Farmer's Letters." The following is his answer:

"I have no copy of the address of the St. David's Society and answer; and if I had, I should be sorry to see them republished. The address was the act of a private club of friends. The approbation exceeded all bounds of propriety. It ought not to have been published; and, when it was, drew upon me a charge of vanity, from which I hope my heart is free; but there was an indelicacy in its appearance that wounded my mind, and for which, in my opinion, the regret of a whole life cannot sufficiently atone."

The other is addressed to an artist, who desired to paint his portrait, to be placed in a picture of the Declaration of Independence:

"SIR,—I have again considered your very earnest and obliging request that you may draw my picture in your piece representing the Declaration of Independence, and am much concerned that I find myself compelled to adhere to my former opinion.

"As for my 'then being a member of Congress,' it was an accidental circumstance. As to the 'advantages I have procured you for executing your plan of painting the illustrious scenes of the late

No marriage, as we shall see, ever proved a truer union. In all the vicissitudes of a life checkered by various fortunes, in triumph or in disaster, whether he was suffering under misrepresentations of his acts and motives, or whether he was at last vindicated, honored, and revered, his wife was always his helpmate and best friend. He willingly sacrificed his own private interests to enable her to do honor to the memory of her father; and in all the benevolent acts which distinguished the latter part of his life particularly, she gladly joined her husband in making the contributions which endowed them. The following letters, the one written two months after his marriage, and the other some years later, amidst all the anxieties and uncertainties of the Revolutionary War, seem to me to give a very

Revolution,' respect for the State, for the Union, and for the arts commanded me to procure them. As for 'the reflections that may be made upon the omission,' I shall not care for them, because they will be unjust.

"The truth is, that, as I opposed making the Declaration of Independence at the time it was made, I cannot be guilty of so false an ambition as to seek for any share in the fame of that council.

"Enough it will be for me should my name be remembered by posterity, if it is acknowledged that I cheerfully staked everything dear to me upon the fate of my country, and that no measure, however contrary to my sentiments, no treatment, however unmerited, could, even in the deepest gloom of our affairs, change that determination, and that though I resigned the favors of my fellow-citizens by endeavoring, as I judged, to promote their happiness, I continued inflexibly attached to their cause.

"I have the honor to be, with great esteem, sir, your most obedient humble servant,

"JOHN DICKINSON.

"PHILADA., July, 1785.

"ROBERT E. PINE, ESQ."

pleasant picture of his domestic happiness at different periods:

John Dickinson to Mrs. Mary Norris.

MY DEAR AUNT,—We arrived here yesterday at dusk, pretty well tired and in pretty good spirits. Tuesday we dined with your worthy tenant at Norrington, who, with his wife, gave us a very kind reception. That night we got to the Yellow Springs. We brought some of the water away with us, but Polly complains that it makes her eyes smart, so that I believe she will not use it any more.

Yesterday we set off for this place. Part of the way afforded us most delightful prospects, with which my dear companion was extremely pleased. Some part of the road was hilly, crooked, stony, stumpy. She bore all the jolts like a philosopher. We dined at Pottsgrove, and among "memorable things" it may be put down as one, that after proper respect paid to a beefsteak, somebody desired an egg to be poached. Cousin H. may add as another remarkable fact that yesterday completed *two* months of marriage without *one* quarrel.

We are in good quarters here, and therefore have *stopt* here this day; I can't say *rested*, for at one we went in the carriage about half-way up a mountain (some people call it a hill) near this town, but the road becoming very rough, we undertook the remainder of the jaunt on foot. Steep and stony the ascent,—a mere type of a virtuous life, and that, everybody knows, is grievous enough to our frail natures for a while, but most charming to the happy folks who persevere to the top. In this the similitude still held, for when we had clambered up to a great height a mere Paradise presented itself to our eyes. We wished for you, Cousin H., and Cousin H. G. to enjoy the prospect, the last to describe it. When we return we will be more particular; at present we cannot, for though I verily believe it is as high and as pleasant as Parnassus, yet we did not find a single Muse sauntering upon it.

To-morrow we proceed for Carlisle, which I expect to reach on Saturday. I told Polly my design to go there to-day. She cheerfully consented. In short, she is a most excellent traveller. With her every disagreeable thing in travelling is tolerable, and everything not disagreeable is pleasing.

She is now lolling, and I am writing in a great hurry, every

moment expecting a gentleman, who left his compliments while I was out, and promised to call again.

Please to present my love to all at Fairhill, Somerville, and Bellville, and to your dear little [blank]. My Polly presents her love to you and all those just mentioned.

I am, my dear aunt,
Your very affectionate nephew
And most obedient servant.

READING, Septr. 20th, 1770.

Polly desires this letter may be sent forward to Bellville. Witness her hand the day and year aforesaid. J. D.

MY EVER DEAR POLLY,—I arrived in Philadelphia this day was a week, about one o'clock, very hearty, after a very pleasant journey, and am truly sorry I cannot return to you and our precious one as soon as I intended. Business prevents me. I have settled a great deal, and expect shortly to settle the rest to my highest satisfaction. But this and all the kindness of our friends here, which seems to revive and expand with the spring, cannot compensate for absence from those in Kent, whom I so tenderly love. I propose to be at home about the end of this month. You may be assured I will not stay a moment longer than is necessary. I am so selfish as almost to wish the time may be as tedious to you as to me; though I am afraid, to wish that, would be too cruel. However, if the pleasure of meeting is proportioned to the anxiety of separation, perhaps it would not be very unkind. For my part, I believe there is some such sort of a proportion. I will trust to our prudence while distant, and to our hearts when we meet.

Not to part too suddenly, though, from the subject, give my most affectionate love to our little one. Tell her from papa to be very good; to be sure to say her prayers morning and evening, and take care of herself, which I also earnestly entreat her mamma. Make as many visits as you can, but never stay out so late as to get home after dark. I beg you to observe this my request, and tell Jo to rival Joseph in carefulness of driving. My compliments to Miss Polly and Mr. Ridgely. I hope they will be so obliging as to entertain you. Keep up your spirits. Heaven, through its infinite goodness, may have more happiness in store for you in this world than you have any prospect of. Let us strive to render ourselves as little unworthy

as possible of favors received or to be received. You can imagine how I have been visited and invited. Kind inquiries, etc., etc. But the budget must not be opened till the meeting of the three States. Ask Sally if that expression is not a riddle, and let her ingenuity be exerted to solve it. I must think of leaving off, for my paper is almost finished. In answer to the Athenian question, if you are inclined to ask it, there is nothing worth mentioning. If you hear anything, do not believe it, unless it is agreeable. That everything in this life may be so to you, if it may be without prejudicing you in another, is, my love, as warm a wish as ever glowed in the heart of

Your affectionate

JOHN DICKINSON.

PHILADELPHIA, May 19th, 1781.

Mr. Dickinson, having been happily married in 1770, and occupying a high position as a lawyer, and having gained a reputation which placed him as a political writer at the head of the opponents of the ministry, would, had he been the timid politician he is sometimes represented, have retired, for the time at least, from the political arena. He had no fondness for the excitement of the struggle, and he was not long in discovering that he had taken the unpopular side. It became more and more apparent every day that revolutionary passions which he could not control would sooner or later drag the country into a position in which, according to his theory, he could not defend her. But this discovery neither changed his convictions nor led him to deviate from the path he had marked out for himself. Every one, of course, is entitled to his own judgment as to the wisdom of his political opinions and acts, but no one who watches his career can doubt the courage, the sincerity, and the disinterestedness with which he maintained them. He was not spoiled by the flattery with

which his Farmer's Letters had been received, and he probably was not greatly surprised when he found his wise and temperate counsels so soon forgotten. Previous to the Declaration of Independence he must have felt that he was leading the "forlorn hope" of the American Revolution, but when independence was determined upon he at once became as sincere and earnest an advocate and defender of the country in its new conditions as he had been in its old. He was no "Achilles, sulking in his tent," no mere student looking with cynical contempt alike upon the aspirations and the errors of those who differed with him and refused to follow his advice or example. To men of the fine temper of Dickinson, action is essential when duty calls. He followed no leader at any time but his conscience, and that pointed to the thorny path in which he was beset by popular abuse and misconception. *Esse quam videri* was his family motto, and the sentiment which it embodied guided him through life.

Mr. Dickinson's humanity and philanthropy were exhibited shortly after his return to Delaware, in 1785, by his strenuous advocacy of a measure for the abolition of slavery in that State. He had himself been a slave-holder in his early days, but, like many slave-holders of that period, his experience had only taught him more clearly the necessity, on every ground, of ridding the State of such an incubus. The journals of the Assembly of Delaware tell us that leave was given in October, 1785, for the introduction of a bill for the gradual abolition of slavery, and that such a bill was presented in the following January, was carefully considered, and then was replaced by a bill for furthering

emancipation, which, in turn, was deferred in June for consideration, which it seems never to have received. (See Jameson's "Essays on the Constitutional History of the United States," p. 300.)

Among Mr. Dickinson's papers was found a copy of a draft of a bill of the character referred to. (See Appendix VIII.) It may have been one of the many propositions which were not at that time uncommon among far-seeing statesmen in the Southern States, preparing the way for a general emancipation of the slaves. Be that as it may, the horror of perpetuating slavery grew deeper and stronger with Mr. Dickinson as he advanced in years. Here is a letter, written in 1804, protesting against the introduction of slavery into the newly-acquired territories:

John Dickinson to George Logan, Senator in Congress.

My dear Cousin,—Thy letter of the 18th, with the inclosure, is received.

As Congress is now to legislate for our extensive territory lately acquired, I pray to Heaven that they may build up the system of the government on the broad, strong, and sound principles of freedom. Curse not the inhabitants of those regions, and of the United States in general, with a permission to introduce bondage.

Slaves are deeply, deeply injurious to the morals of the masters and their families, and are internal enemies always to be watched and guarded against.

As standing armies are justly abhorred among us, our liberty must depend on our being an armed nation; and considering the power of those with whom we may have to contend, we must be a populous nation.

The labor of slaves must in a certain proportion exclude the cultivation of the earth by freemen, and thereby diminish our internal safety and external security.

The theme is inexhaustible. Let the pernicious project, the detestable precedent, never be sanctioned by votes of sons of liberty.

I am thy truly affectionate kinsman,

JOHN DICKINSON.

WILMINGTON, the 30th of the First Month, 1804.

We should form, however, a very inadequate conception of Mr. Dickinson's character and influence and of his well-rounded life did we confine ourselves merely to a review of his career as a statesman. He seems to have been deeply impressed, as was Franklin, in his early life, with the great destiny which the future had in reserve for his country. Amidst all his anxieties and labors for the establishment here of political institutions suited to our condition, he never ceased his efforts for the encouragement and support of those voluntary associations for the promotion of education and charity which form the true strength and glory of free States. He well knew that such associations in a country like this must be the outgrowth of private benevolence and enterprise, and that they must depend upon the State for encouragement only, and not for complete support. He was one of the first in this country to perceive how vast a development it was possible to give to this voluntary system as a means of promoting the work of education and benevolence. From the close of the Revolution he showed the greatest zeal in strengthening the hands of those benevolent persons who were engaged in work of this kind. In 1782 he gave to the College of New Jersey, at Princeton, one hundred pounds, the income of which was to be perpetually appropriated as a prize for the best essay

prepared by a student of the college upon one of several topics, political and social, which he designated. In 1783 a strong effort was made by several enlightened men in the State to establish a college west of the Susquehanna. The need of a provision for the supply of a liberal education to young men in the western part of this State was then indeed very apparent, and had impressed itself strongly upon those who best knew its value. Among these men Mr. Dickinson and Dr. Rush were the most conspicuous. The special cause which awakened public interest on this subject at that time was no doubt the deplorable condition into which college education in this State had fallen after the Revolution. The old College of Philadelphia, which had during twenty years gained a high reputation, was (as we have seen) robbed of its endowments in 1779 by an act of the Legislature, under the false pretext that its management was sectarian. The new establishment to which its endowments were transferred, the "University of the State of Pennsylvania," although its resources were increased by the State bounty, never secured either public confidence or support during its short-lived career. Such was the opportunity seized upon by the friends of college education to establish a new college. Accordingly, in September, 1783, Dickinson College, at Carlisle, was incorporated. It was called "Dickinson College," we are told in the preamble of the act by which it was chartered, "in memory of the great and important services rendered to his country by His Excellency John Dickinson, Esquire, President of the Supreme Executive Council, and in commemoration of his very liberal donation to the

institution." Very large contributions (for that day) were made by many prominent men in the State, of all shades of party and religious feeling, but that of Mr. Dickinson was the largest of all. He gave the college two plantations, as they were called, one of three hundred acres, in Adams County, and the other of two hundred acres, in Cumberland. He also presented to the college library the books which were saved from the burning of the Norris library at Fairhill by the British army in 1777, amounting in number to about fifteen hundred volumes. If we are right in ascribing the training and knowledge of political principles which distinguished two generations of the Norris family, as well as that of Mr. Dickinson himself, in a great measure to the wealth of learning contained in those books, that gift to the college must have been a priceless one. Mr. Dickinson continued to be president of the Board of Trustees during the remainder of his life, and the college was in constant receipt of his benefactions. He became the intimate friend of its first president, the Rev. Dr. Nisbet, a Scotch Presbyterian clergyman of rare ability, and aided greatly in his support by an annuity which he granted him.

In 1786 he and his wife (and she seems to have been always associated with him in his benevolent undertakings) gave to the Monthly Meeting of Friends in Wilmington two hundred pounds, to facilitate the education of poor children and the children of those not in affluent circumstances, without any distinction of religious profession.

In the same year he writes to his cousin James Pemberton, one of the elders of the Society of Friends,

"My mind has been frequently and deeply concerned in observing how very negligent I have been in doing good, and has been particularly engaged in a desire of attending to the duties of humanity so strongly dictated by reason and conscience, and the performance of which is so remarkably enjoined by our Saviour as indispensably necessary. At present my intention is to make provision for the relief of those poor who may be 'sick and in prison,' under the direction of Friends in Philadelphia." For that purpose he sends him two hundred pounds. "One objection," he adds characteristically, "respecting myself has given me pain. Acts of this sort ought to be done in secret. But I am convinced that the benefits will be much further extended under the management of Friends than by any personal efforts or private regulations which it is in my power to make; and perhaps its establishment, once begun, may stir up others to contribute to its promotion. Above all, I humbly trust that I am moved to this proceeding by a love of my Maker and of my fellow-creatures, and that He in His mercy will pardon the imperfection of its execution."

It may be said that this benevolent project was not undertaken by the Friends as a society, and that the fund was consequently transferred to a society then newly created, which still does its benevolent work, composed of the most charitable persons of all the denominations in the city, called "The Society for Alleviating the Miseries of Public Prisons."

But the benevolent enterprise which at that time Mr. Dickinson and his wife had most at heart seems to have been the establishment of a free boarding-school

under the care of Friends. In 1789 he offered to the Yearly Meeting of Friends in Philadelphia a considerable sum towards the endowment of a school under their care, in which the pupils should be instructed in "the most advantageous branches of literature" and in certain practical subjects. The Meeting for a number of years hesitated to assume this trust, partly owing to doubts of the possibility of raising among its members a sufficient sum to complete the endowment, and partly because some of them doubted the wisdom and expediency of undertaking, as a religious body, to encourage too much the acquisition of worldly learning by their young people. Mr. Dickinson's proposition led to a long correspondence between himself and the authorities of the Meeting upon the relations of learning to religion. In these letters he maintained with great force what are now to all self-evident truths, but what in those days were new and unwelcome doctrines to many sincere religionists. The result was that he finally convinced the Meeting of the wisdom and propriety of the measure he had proposed, and in 1794 the Yearly Meeting agreed to establish the school at West-town, which still flourishes, and the benefaction of Mr. Dickinson and his wife was transferred to that body towards its support.

As a curious illustration of the character of the obstacles which, a hundred years ago, a proposition to extend popular education met with, it is worth while to transcribe a portion of one of Mr. Dickinson's letters on this subject:

"I wish to be well understood on this interesting business, and therefore beg leave to insert part of a

letter written on behalf of my wife and myself to cousin James Pemberton at the beginning of the last year: 'Another trust we earnestly desire to commit to the care of Friends, and that is, a permanent provision for the proper education of poor orphan children. A temporary or uncertain relief in the manner proposed to us may be in some degree beneficial, but where a regular attention is had to the mind as well as to the body there seem to be better prospects of advantage to the individual and to the public. We are inclined to think that these views would be most effectually promoted by some establishment in the country similar to that at Glaucka, near Halle, in Saxony, or to that at Ackworth, in England. We have not, however, any decided opinion as to the mode, being very desirous of receiving information. Our ideas at present are that the objects should be ascertained, and the whole plan, with regard to situation, buildings, and other particulars, so regulated that every needless expense may be avoided.' . .

"Some worthy persons slight learning too much because wonderful acts have been done by illiterate men. It should be always recollected that these men were particularly called and qualified for particular purposes. No general inference can be justly drawn from such instances. So assured am I that learning and religion will be found to agree together, that I think it the indispensable duty of those who revere religion to cultivate learning in order to counteract the mischiefs flowing from its perversions and apply it to its proper use. Hypotheses or counterfeits, substituted in the place of truths, have done irreparable injury, and

by these vanities the world is still deluded. 'Foolish questions,' fables, and endless genealogies, profane and vain babblings, oppositions of science falsely so called, and winds of doctrine the apostle Paul has justly condemned, and these, to be sure, should be consigned to perpetual oblivion."

There was another act of Mr. Dickinson's (in anticipation of his marriage) which showed him to possess the unselfish nature of a thoroughbred gentleman, and confirmed the general impression of the nobleness and generosity of his character. Miss Mary Norris was, after the death of her sister, the sole surviving child and heiress of Isaac Norris the Speaker, who had died without making a will. He left considerable personal property and two adjoining estates on the borders of the city, called "Fairhill" and "Sepviva," containing between six and seven hundred acres. These estates became, of course, absolutely vested in Miss Norris by operation of law. They were even then of great value, and it was perfectly well understood by Mr. Dickinson and by all concerned that, owing to their nearness to the city, they would produce in the course of time a princely revenue to their owners, an anticipation, we may say, which has been fully justified by the result. Miss Norris was convinced that it had been the wish and intention of her father that these estates should be preserved as long as possible in the male line of the Norris family, and that his intention had been defeated by his sudden and unexpected death. By her and by her intended husband this intention was regarded as a sacred obligation, having for them the same force as a legal duty. They accordingly

joined in a deed, in 1769, conveying these estates in tail-male to the sons of Charles Norris, the brother of the Speaker, reserving to Mrs. Dickinson the power to designate one of his sons as tenant-in-tail. In 1790 she appointed Joseph Parker Norris as tenant-in-tail, and he soon afterwards, by a process well known to lawyers, called a common recovery, became the owner of these estates in fee simple.

The excuse for this reference to a matter of private family history is that it serves as an illustration of the lofty principles of right by which at all times Mr. Dickinson's life was guided. Acts such as these, both as to the motive which prompted them and the self-denial which they involved, reveal the character of the man both in private and in public life.[1]

The declining years of Mr. Dickinson's life were passed in a dignified retirement, in which he had all the satisfactions which can surround a serene old age,—"honor, love, obedience, troops of friends." To all he seemed a Christian philosopher, his heart full of love of his country to the last, and wholly free from the arts of the restless politician, who seeks to gain selfish ends by unworthy means. He never ceased to manifest his deep interest in public affairs, and his cor-

[1] Mr. Dickinson's town-house, before the Revolution, was in Chestnut Street, below Seventh. It had been originally the Carpenter Mansion, and was afterwards occupied by Dr. Græme and his daughter, Mrs. Ferguson. Mr. Dickinson moved into it in 1774. It was used in the early part of the Revolution as a hospital, and afterwards was occupied by the French minister, who gave there a famous entertainment to the officers of the allied armies. Later it was the residence of Chief-Justice Tilghman, and still later the "Arcade" was built on the site.

respondence with Mr. Jefferson and with his kinsman Dr. George Logan, at that time one of the Senators from Pennsylvania, shows how his counsel was valued by them and how readily men in power trusted to his experience as a guide. Happily for Mr. Dickinson's repose, the dangers to his country which he had apprehended from the ambitious designs of France were averted for the time by the "happy accident" of the willingness of Napoleon to sell to us the vast territory of Louisiana, and with it all the French claims to territorial possessions on this continent. Napoleon was in the zenith of his power when Mr. Dickinson died, and, although no man looked with greater horror on his schemes of universal conquest, yet Mr. Dickinson could feel that we had at least escaped the calamities with which the progress of the French arms had overwhelmed western Europe.

He lost his wife in 1803, and although this affliction can be rightly measured only by those who know what his married life was, still, one of its results which was very apparent was the increased tenderness of his sympathies for those who were suffering and needed his aid. Among other illustrations of his genuine kindness and generosity, we may venture to speak of his conduct towards the family of Chief-Justice Read, who died leaving his family in a somewhat dependent condition. The Chief-Justice and Mr. Dickinson had been friends in boyhood. They had been students together in the same law-office in Philadelphia, and for nearly fifty years of life together in most stormy times their friendship had never wavered nor been diminished. Immediately upon the death of Judge Read, Mr. Dickinson sent

his widow a deed conveying to her a valuable farm in Delaware, which might serve as a home for the family and aid in the support of those members of it who were unable to help themselves. Well may the son of the Chief-Justice (who was his father's biographer) say of Mr. Dickinson, of whom he was one of the beneficiaries, "I have a vivid impression of the man, tall and spare, his hair white as snow, his face uniting with the severe simplicity of his sect a neatness and elegance peculiarly in keeping with it; his manners a beautiful emanation of the great Christian principle of love, with that gentleness and affectionateness which, whatever may be the cause, the Friends, or at least individuals among them, exhibit more than others, combining the politeness of a man of the world familiar with society in its most polished forms with conventional canons of behavior. Truly he lives in my memory as the realization of my beau-idéal of a gentleman."

To this may be added the impressions of one who knew him well (Mrs. Deborah Logan), and who seems at all times to have regarded him with the utmost affection and veneration:

"I have spoken of his eloquence, but it is not easy to do justice to the charms of his conversation, nor to the many excellent qualities and virtues that adorned his life. His mind was a rich casket of all the various knowledge which history contains, for he had read the most, and brought his judgment to bear upon his reading the best, of any person that I ever knew, and he would, in his instructive converse, draw from this casket the ample stores which it contained in such a fit and beautiful setting of words that the minds of his

auditors followed him with unmixed delight: a high intellectual gratification indeed!

"But there were so many useful and pleasing traits in his character that I cannot yet stop my pen. He was a true republican, sincerely attached to the free institutions of our country, simple and unostentatious in his habits and manners, claiming no pre-eminence over his fellow-citizens, but remarkably kind and attentive to his poorest neighbors and acquaintance, diffusing all the help and comfort and blessing in his power to those around him, his whole conduct being a practical comment upon the divine truths of religion with which his mind was deeply imbued. I never visited him but I thought myself in some sort better, and my love for whatever was good and excellent was revived and strengthened.

"Some are fond of showing the acuteness of their intellect by readily detecting in the conversation and writings of others whatever is faulty or susceptible of ridicule; he, on the contrary, disliked to look at faults, unless the interest of virtue or a correct taste required their exposure, but was delighted to set in the fairest point of view the beauties and excellencies which came under his observation. His person and manners were eminently graceful and pleasing, and fair indeed would rise the edifice of human society, if, planned and proportioned like the rectitude of his mind, all its columns were adorned with capitals of the order to which he belonged. It might justly be said of him as it was of Fénelon, that 'Virtue herself became more beautiful from his manner of being virtuous.'"

In February, 1808, Mr. Dickinson was prostrated by a feyer, which it was soon seen must prove fatal to one of his advanced years. During his last illness his mind seemed constantly to dwell upon the terrible sacrifice of life with which the great Continental wars of that period were attended, and upon the danger to his own country if it should be exposed to similar calamities. Almost his last words were, "I wish happiness to all mankind, and the blessings of peace to all the nations of the earth, and these are the constant subjects of my prayers." He died on the 14th of February, 1808, having nearly reached his seventy-seventh year. He was buried in the graveyard attached to the meeting-house in Wilmington, and his grave, as is the custom among Friends, is marked by a simple head-stone only.

When the news of his death reached Washington, both houses of Congress, then in session, adopted resolutions recalling his services during the Revolution and lamenting his death as a national loss. Mr. Jefferson, then President, wrote the following letter to a friend of Mr. Dickinson who had sent him intelligence of his death:

"WASHINGTON, Feb. 24, 1808.

"SIR,—I have to acknowledge the receipt of your letter of the 16th; it gave me the first information of the death of our distinguished fellow-citizen, John Dickinson. A more estimable man or truer patriot could not have left us. Among the first of the advocates for the rights of his country when assailed by Great Britain, he continued to the last the orthodox advocate of the true principles of our new government, and his name will be consecrated in history as one of the great worthies of the Revolution. We ought to be grateful for having been permitted to retain the benefit of his counsel to so good an old age; still the moment of losing it, whenever it arrives, must be a moment of deep-felt regret. For himself perhaps

a longer period of life was less important, alloyed as the feeble enjoyments of that age are with so much pain; but to his country, every addition to his moments was interesting. A junior companion of his labors in the early part of our Revolution, it has been a great comfort to me to have retained his friendship to the last moments of his life. Sincerely condoling with his friends on this affecting loss, I beg leave to tender my salutations to yourself, and assurances of my friendly respects.

"THOMAS JEFFERSON.

"MR. JOSEPH BRINGHURST."

The Historical Society of Pennsylvania proposes now to do what Mr. Jefferson fourscore years ago said would be done by a grateful posterity,—viz., "to consecrate his name in history as one of the great worthies of the Revolution." Why so obvious and natural a duty as that of keeping alive the memory of this illustrious man in the city where most of his great deeds were done has been so long delayed, it is, perhaps, not difficult to account for. Perhaps one reason for this neglect may be found expressed in the reproachful words of the late Horace Binney, a man who filled the measure of his country's fame as he did that of the city of his birth, and who, when referring to the attitude of Philadelphia to her great men, says, "She has been "hitherto, and perhaps immemorially, indifferent or in-"sensible to the abilities of her sons who have gained "their first public consideration elsewhere. She is "wanting in civic personality, or, what is perhaps a "better phrase for the thought, a family unity or iden-

"tity. She does not take, and she never has taken, "satisfaction in habitually honoring her distinguished "men as *her* men, as men of her *own* family. It is the "city that is referred to as distinguished, perhaps, from "the rest of the State. She has never done it in the "face of the world, as Charleston has done it, as Rich- "mond has done it, as Baltimore has done it, as New "York has done it, or at least did it in former times, "and as Boston has done it, and would do it forever. "She is more indifferent to her own sons than she is "to strangers."

APPENDIX I.—(*Page* 73.)

RESOLUTIONS OF PENNSYLVANIA IN REGARD TO THE STAMP ACT, AS DRAFTED BY MR. DICKINSON.

Resolved—1st—That the Constitution of Government in this Province, is founded on the natural Rights of Mankind, and the noble Principles of *English* Liberty, and is therefore perfectly free.

Resolved—2dly—That in the opinion of this House, it is inseparably essential to a free Constitution of Government, that all internal Taxes be levied upon the People *with their Consent.*

Resolved—3dly—That the *sole* Power and authority to levy Taxes upon the Inhabitants of this Province, is vested in the Crown or its Representative, and in the Assembly for the Time being, elected according to Law.

Resolved—4thly—That the People of this Province have constantly from its first settlement exercised & enjoyed, and *ought* to the latest Posterity to exercise & enjoy, this *exclusive* Right of levying Taxes upon themselves.

Resolved—5thly—That the levying Taxes upon the Inhabitants of this Province *in any other manner*, being manifestly subversive of public Liberty, must of necessary Consequence be utterly destructive of public Happiness.

Resolved—6thly—That a *Trial by Jury* on every accusation in a Court of Justice, is the inherent and inestimable Priviledge of every Freeman of this Province, which cannot be violated without breaking down the sacred Bulwark erected by the Virtue and Wisdom of our ancestors, for the Protection of Life, and of every Blessing that renders it valuable.

Resolved—7thly—That it is the opinion of this House that the Restraints imposed by several late acts of Parliament on the Trade of this Province, at a Time when the People labour

under an enormous Load of Debt, must of necessity be attended with the most fatal Consequences.

Resolved—8ly—That it is the opinion of this House; That the Prosperity of this Province depends on the Preservation of its just Rights, and the Continuance of an affectionate and advantageous Intercourse with *Great Britain* which must prove equally beneficial to that Kingdom.

Resolved—9ly—That therefore it is the indispensable Duty of this House to the best of Sovereigns, whose truly paternal Tenderness ever interests itself in the Welfare of his subjects, to the Mother Country and to this Province, with all Loyalty, Respect & Zeal, by every prudent Measure firmly to endeavour to procure a Repeal of the Stamp Act, & of the late Acts for the Restriction of *American* Commerce—

APPENDIX II.—(*Page* 105.)

CHARLES THOMSON'S ACCOUNT OF MR. DICKINSON'S ATTITUDE DURING THE REVOLUTION, FURNISHED TO HON. W. H. DRAYTON FOR HIS PROPOSED HISTORY OF THAT PERIOD.

SIR,

I have run over your manuscript, & as I perceive you must have had your information from some person who judged only from appearance, without being acquainted with the secret springs and reality of actions, I find myself obliged in justice to a character, which is not represented in a true point of light, to unfold the scene & give you a scetch of things as they really happened.

It is generally known what an early part Mr. D— took in the American disputes. His first piece in favour of America was written in the year 1765 during the Stamp Act. The sudden repeal of the stamp act rendered a farther continuation of his

labours at that time unnecessary. But the tea, paper, & glass act, called him forth again in the year 1767—or 1768, when he published his Farmers letters which had the effect to rouse America to a sense of its danger & to adopt measures for preventing the evils threatened & obtaining a redress of grievances. The partial repeal of this Act in the Year 1770 —in a great measure put an end to the apprehensions of the Americans, & peace & good humour seemed to be again restored. During all this time Mr. D— was considered as the first Champion for American liberty. His abilities exercised in defence of the rights of his Country raised his Character high not only in America but in Europe & his fortune & hospitality gave him great influence in his own State.

When the controversy was again renewed between Great Britain & America in the Year 1772, the Merchants of Philada. who first took alarm at the attempt of introducing tea to America through the medium of the East India Company, were anxious to engage him in the dispute. But from this he was dissuaded by one of his most intimate friends, who seemed to be persuaded that this new attempt of the ministry would lead to most serious consequences & terminate in blood & who therefore wished him to reserve himself till matters became more serious. For this reason he was not publickly concerned in the measures taken for sending back the tea. But in the spring of 1774 as soon as the news of the Boston port bill. &c. arrived his friend who had taken an active part in the measures for sending back the tea, immediately communicated to him the intelligence & gave his opinion that now was the time to step forward. The measures proper to be pursued on this occasion were secretly concerted between them. And to prepare the minds of the people D— undertook to address the public in a series of letters. The next day the letters arrived from Boston, & it was judged proper to call a meeting of the principal inhabitants, to communicate to them the contents of the letter & gain their concurrence in the measures that were necessary to be taken. As the quakers, who are prin-

cipled against war saw the storm gathering & therefore wished to keep aloof from danger, were industriously employ'd to prevent anything being done which might involve Penna. farther in the dispute, & as it was apparent that for this purpose their whole force would be collected at the ensuing meeting, it was necessary to devise means so to counteract their designs as to carry the measures proposed & yet prevent a disunion, & thus if possible bring Penna. with its whole force undivided to make common cause with Boston. The line of conduct Mr. D— had lately pursued opened a prospect to this. His sentiments were not generally known. The quakers courted & seemed to depend upon him. The other party from his past conduct hoped for his assistance, but were not sure how far he would go if matters came to extremity, his sentiments on the present controversy not being generally known. It was therefore agreed that he should attend the meeting & as it would be in vain for Philada. or even Penna. to enter into the dispute unless seconded & supported by the other Colonies, the only point to be carried at the ensuing meeting was to return a friendly and affectionate answer to the people of Boston, to forward the news of their distress to the Southern Colonies & to consult them & the eastern colonies on the propriety of calling a congress to consult on the measures necessary to be taken. If divisions ran high at the meeting it was agreed, to propose the calling together the Assembly in order to gain time.

To accomplish this it was agreed that his Friend who was represented as a rash man should press for an immediate declaration in favour of Boston & get some of his friends to support him in the measure, that Mr. D— should oppose and press for moderate measures, & thus by an apparent dispute prevent a farther opposition & carry the point agreed on. For this purpose R— and M— were sounded & an invitation given to dine with Mr. D— on the day of the meeting. After dinner the four had a private conference at which D— was pressed to attend the meeting which was to be in the evening. D— offered sundry

excuses, but at last seemed to consent provided matters were so conducted that he might be allowed to propose & carry moderate measures. T— who was on the watch, & who thought he saw some reluctance in one of the Gentlemen to be brought to act a second part prevented a farther explanation by proposing that R— should open the meeting M— second him, that T— should then speak & after him D— And that afterwards they should speak as occasion offered. After this the conversation was more reserved, & soon after R— and M— returned to town. At parting they pressed T— to bring D— with him & T— assured them he would not come without him. The carriage was ordered up & after they had been some time gone so that all might not seem to have been together D— and T— stept into the carriage & drove down to the city tavern the place of meeting. The meeting was held in the long Room. The letter recd. from Boston was read after which R— addressed the assembly, with temper, moderation, but in pathetic terms. M— spoke next & with more warmth & fire. T— succeeded & pressed for an immediate declaration in favour of Boston & making common cause with her. But being overcome with the heat of the room and fatigue, for he had scarce slept an hour two nights past, he fainted & was carried out into an adjoining room. Great clamour was raised against the violence of the measures proposed. D— then addressed the company and in what manner he acquitted himself I cannot say. After he had finished, the clamour was renewed, voices were heard in different parts of the room & all was in confusion. A chairman was called for to moderate the meeting & regulate debate, still the confusion continued. As soon as T— recovered he returned into the room. The tu- and disorder was past description. He had not strength attempt opposing the gust of passion or to allay the heat by any thing he could say. He therefore simply moved a question That an answer should be returned to the letter from Boston. This was put & carried. He then moved for a committee to write the answer. This was agreed to, & two lists were im-

mediately made out & handed to the Chair. The clamour was then renewed on which list a vote should be taken. At length it was proposed that both lists should be considered as one and compose the committee. This was agreed to & the company broke up in tolerable good humour both thinking they had in part carried their point. At what time D— left the room I cannot say, as a great many withdrew when the tumult raged. —The next day the Committee met & not only prepared & sent back an answer to Boston but also forwarded the news to the southern colonies accompanied with letters intimating the necessity of a congress of delegates from all the colonies to devise measures necessary to call a general meeting of the inhabitants of the City at the State House. This required great address. The quakers had an aversion to town meetings & always opposed them. However it was so managed that they gave their consent & assisted in preparing the business for this public meeting, agreed on the persons who should preside & those who should address the inhabitants. The presidents agreed on were Dickinson Willing & Pennington, and the speakers Smith, Reed & Thomson who were obliged to write down what they intended to say & submit their several speeches to the revision of the presidents. The meeting was held at which it was among other things, resolved to make common cause with Boston. The resolutions passed at this meeting are published in the news papers of the time prefaced with Smith's speech at full length. In the mean while it was judged proper to address the governor to call the assembly. Tho it was hardly expected the governor would comply, yet it was necessary to take this step in order to prevent farther division in the City & to convince the pacific that it was not the intention of the warm spirits to involve the province in the dispute without the consent of the representatives of the people. The address was drawn up & signed by the leading men of both parties and presented to the Governor. The answer was such as was expected That he could not call the assembly for the purpose mentioned & he added that he was sure the gentlemen did

not expect, considering his situation that he would comply with their request. His answer was considered as calculated for the meridian of London.—Whether the Governor wished to gratify the inhabitants & favour the cause of America by convening the assembly, or whether thereby from the sentiments supposed to prevail in the members of the house, he hoped to counteract the views of those who wished to bring Penna. into the dispute is uncertain. But from whatever motives he acted, certain it is that he immediately summoned his council & in a very few days took occasion from a report of Indian disturbances to convene the assembly.—The refusal of the Governor to call the assembly was far from being disagreeable to the advocates for America. They had no confidence in the members of the assembly who were known to be under the influence of Galloway & his party, and they had another object in view. When the merchants led the people into an opposition to the importation of the East India Company's tea, those who considered that matter only as a manœuvre of the ministry to revive the disputes between G. B. & America & who were firmly persuaded that the disputes would terminate in blood, immediately adopted measures to bring the whole body of the people into the dispute & thereby put it out of the power of the merchants as they had done before to drop the opposition, when interest dictated the measure. They therefore got committees established in every County throughout the province. A constant communication was kept up between those committees & that of Philada. Upon the Governor's refusal to call the assembly it was resolved to procure a meeting of delegates from these committees. And when the Governor agreed to call the assembly, still it was thought proper to convene a convention of the committees in order to draw up instructions to their representatives in assembly. In all these measures D— was consulted & heartily concurred, & so earnestly did he interest himself that he prepared the instructions & had them ready for publication previous to the meeting of the convention.

After the meeting of the Inhabitants of Philada. & the resolutions passed at the State House, D— M— & T— under colour of an excursion of pleasure made a tour through two or three frontier counties in order to discover the sentiments of the inhabitants & particularly the Germans. The Convention of committees met some days before the assembly & having agreed to the state of American grievances drawn up by D— presented them to the assembly in the form of instructions in order to engage them to pursue measures in concert with the other colonies for obtaining redress. And as a Congress was now agreed on they pressed the assembly to appoint delegates to represent this province in Congress resolving at the same time, in case the Assembly refused, to take upon themselves to appoint deputies. To prevent this the Assembly agreed to appoint the delegates, but confined the choice to their own members thereby excluding Mr. D— & Wilson whom the Convention had in view. At the ensuing election on the first Octbr. Mr. D— was chosen a member of the Assembly & on the meeting of the Assembly was added to the number of Delegates. His election was on Saturday the 15th. & on Monday the 17th. Octbr. he took his seat in Congress & immediately entered deeply into the business then under deliberation. He was appointed one of the Committee to prepare an address to the people of Canada. The first draught of the petition to the King not meeting the approbation of Congress was recommitted. Dickinson was added to the comee. & had a principal hand in drawing up that which was sent. After Congress broke up he attended the Assembly & there exerted himself to obtain an approbation of the proceedings of Congress, which was carried in spite of Galloway's efforts to the contrary. During the winter sessions he frequently had occasion which he always improved to call the attention of the House to the danger that threatened, to rouse them to a sense of it, & to stimulate them to adopt measures for their defence & security, in which he was supported by Mifflin, Biddle, Ross and Thomson, who were all

in the Assembly. The part they had to act was arduous and delicate. A great majority of the Assembly was composed of men in the proprietary & quaker interest who though heretofore opposed to each other were now uniting the one from motives of policy, the other from principles of religion. To press matters was the sure way of cementing that union & thereby raising a powerful party in the state against the cause of America. Whereas, by prudent management & an improvement of occurrences as they happened, there was reason to hope that the Assembly & consequently the whole province might be brought into the dispute without any considerable opposition. And from past experience it was evident that though the people of Penna. are cautious & backward in entering into measures, yet when they engage, none are more firm resolute & persevering. A great body of the people was composed of Germans the principal reliance was on them in case matters came to extremities. And it is well known these were much under the influence of quakers. For this reason therefore it was necessary to act with more caution & by every prudent means to obtain their concurrence in the opposition to the designs of Great Britain. And had the Whigs in Assembly been left to pursue their own measures there is every reason to believe they would have effected their purpose, prevented that disunion which has unhappily taken place & brought the whole province as one man with all its force & weight of government into the common cause.

Danger was fast approaching. The storm which had been gathering began to burst. The battle of Lexington was fought. Many of the members then in Assembly had long held seats there & were fond of continuing. They had hitherto joined with very little opposition in defensive measures, & it was evident that rather than give up their seats in Assembly & the importance derived from thence they would go still farther & thus might be led on step by step till they had advanced too far to retreat. Their past & future conduct justified this conclusion in the Winter sessions they voted a sum of money

to purchase Ammunition. And in the summer of 1775 though a majority of the Assembly were of the people called quakers they agreed to arm the inhabitants & ordered five thousand new muskets with bayonets & other accoutrements to be made. And as they had not money in the treasury, & could not have the concurrence of the Governor in raising money to pay for them, they, by a resolve of their own to which there was only three dissenting voices, ordered 35,000 pounds to be struck in bills of credit & pledged the faith of the province for the redemption of it, thus virtually declaring themselves independent & assuming to themselves the whole power of government.

The original constitution of Penna. was very favorable & well adapted to the present emergencies. The Assembly was annual; the election fixed to a certain day on which the freemen who were worth 50 pounds met, or had a right to meet without summons at their respective County towns & by ballot chuse not only representatives for Assembly, but also sheriff, coroners, commissioners for managing the affairs of the County & assessors to rate the tax imposed by law upon the estates real & personal of the several inhabitants of their County. The members of the House of Assembly when chosen met according to law on a certain day & chose their Speaker, provincial treasurer, & sundry other officers. The House sat on its own adjournments; nor was it in the power of the Governor to prorogue or dissolve it. Hence it is apparent that Penna. had a great advantage over the other colonies which by being deprived by their Governors of their legal assemblies or houses of representatives constitutionally chosen were forced into conventions. The Assembly of Penna., if they could be brought to take a part, supplied the place of a convention with this advantage that being a part of the legislature they preserved the legal forms of government, & had consequently more weight & authority among the people. No man could refuse to attend the election of assembly men without taking upon himself the consequences of what

might follow by his not attending & giving his vote. On the other hand, if he attended & the men of his choice were not elected, he had no right to complain as the majority of votes decided. The cause of America was every day gaining ground, and the people growing more & more determined. The timid were acquiring courage & the wavering confirmed in the opposition. Hence it was apparent the election would soon be wholly in the power of the patriots & whig party. For these reasons the whigs who were then members wished to temporise and make use of the Assembly rather than a convention. But unhappily for the province they were thwarted in their measures by a body of men from whom they expected to derive the firmest support.

The Committee of Philada. which was elected for the purpose of superintending & carrying into execution the non importation agreement recommended by the Congress in 1774, & of which Mr. Reed was president was for the purpose of giving them more weight & influence encreased to the number of 100. Many members of this body who were suddenly raised to power & who exercised an uncontrolled authority over their fellow citizens were impatient of any kind of opposition. The cautious conduct of the patriots in the Assembly, they attributed to lukewarmness, & the backwardness of others which was owing partly to a natural timidity of temper, partly to the influence of religious principles & old prejudices they construed into disaffection. Instead therefore of cooperating to keep down parties, they were labouring to raise & foment them. And at the very moment when the Assembly were giving the most solid proofs of their attachment to the cause & gradually encroaching on the powers of the governor in order to arm & put the province into a state of defence, the Comee. were adopting measures to dissolve them and substitute a convention in their stead & proceeded so far as to vote a convention necessary & appointed a special meeting in order to devise the means of bringing the other county committees to a like determination. D— M— & T— who were of the

assembly, & who were also members of the committee attended the special meeting, & by pointing out the ill timed policy of the measure & the fatal consequences that might & would inevitably ensue prevailed upon them to desist. And thus for a time the province was saved from being rent to pieces. D— and M— were also members of congress. The Battle of Lexington had drawn together a tumultuous army around Boston, & that had brought on the Battle of Bunkerhill. Much blood was now shed. And it was evident that the sword must decide the contest. It was necessary therefore to organise the Army & appoint a continental commander in chief & other general Officers. A declaration was deemed necessary to justify the Americans in taking up Arms. D— who still retained a fond hope of reconciliation with Great Britain was strenuous for trying the effects of another petition to the King. And being warmly seconded the measure was agreed to & D— had a considerable hand in drawing up both the petition & declaration which were both sent at the same time to England. The subject of the petition as well as the declaration occasioned long & warm debates in congress, in which D— took a distinguished part, which was circulated about in whispers to his disadvantage. However he maintained his ground among the generality of the people of his own province & particularly among those who still wished & hoped to see a reconciliation take place. And it must be allowed that if his judgment had not quite approved the measure yet on account of the people of Penna. it was both prudent & politic to adopt it. Without making an experiment it would have been impossible even to have persuaded the bulk of Penna. but that an humble petition drawn up without those clauses against which the ministers & parliament of Great Britain took exceptions in the former petition, would have met with a favorable reception and produced the desired effect. But this petition which was drawn up in the most submissive & unexceptionable terms, meeting with the same fate as others obviated objections that would have been raised & had a powerful effect in suppressing

opposition, preserving unanimity & bringing the province in a united Body into the contest. Whatever hand therefore D— had in promoting it ought to have redounded to his credit as a politician. At the annual election in October 1775 some change was made in Assembly some old members were left out, & some new ones chosen, among the latter Mr. Reed. As the Governor had withdrawn himself in a great degree from the affairs of Government, the Assembly at their first meeting appointed a Council or Committee of Safety & invested them with the executive powers of government reserving to themselves the legislative authority which they exercised by resolves.

In Novr. the Assembly returned among other delegates to represent the province of Penna. in Congress Mr. Willing one of the Judges of the Supreme Court & Mr. Allen the attorney General of the province & Brother in law of the governor. So that there was yet no appearance of disunion in the Province. Except among some few of the most rigid quakers who kept aloof & refused to be concerned in elections for Assembly men, under pretence that their religious principles forbad their countenancing War. But neither influence, persuasions or Church discipline could restrain a considerable number of their young Men from taking an active part. A distinction was taken between offensive and defensive War which might easily have been improved to divide the society in such a manner as to have rendered every opposition from that quarter weak and contemptible.

NOTE.—This most valuable statement of the condition of affairs in Pennsylvania between the summer of 1774 and the beginning of the year 1776 is taken from a copy of a letter (in his own handwriting) of Charles Thomson, Secretary of Congress, to W. H. Drayton. The original was in the possession of Mr. Thomson's nephew. Its accuracy is attested by Miss Sarah N. Dickinson, the daughter of Mr. Dickinson. The initial T. designates Charles Thomson. M. refers to General Mifflin.

APPENDIX III.—(*Page* 125.)

THE MORAVIAN INDIAN CONVERTS AND THE QUAKERS.

As doubts have been expressed in regard to the arming of certain Quakers in Philadelphia in the defence of the Indian Moravian converts, the following testimony of eye-witnesses is reproduced:

"It seemed almost incredible that sundry young and old Quakers formed companies and took up arms, particularly so to the boys in the streets, for a whole crowd of boys followed a distinguished Quaker and in astonishment cried out, 'Look here! a Quaker with a musket on his shoulder.' It was by many old people looked upon as a wonderful sign to see so many old and young Quakers marching about with sword and gun, or deadly weapons, so called. What increased the wonder was that the pious lambs, in the long French, Spanish, and Indian wars, had such tender consciences, and would sooner die than raise a hand in defence against these dangerous enemies; and now at once, like Zedekiah the son of Chenaanah (Kings, 22 chap.), with iron horns rushing upon a handful of our poor distressed and ruined fellow-citizens and inhabitants of the frontier."—*March of the Paxton Boys against Philadelphia in* 1764. *From the Diary of Rev. H. M. Muhlenberg. Collections of the Historical Society of Penna.*, vol. i. p. 95, Phila., 1853.

To the same effect is the testimony, written at the time and on the spot, in reference to the Quakers of Philadelphia taking up arms during the Paxton insurrection, in the month of February, 1764. Translated from the German originals preserved in the archives of the Moravian church at Bethlehem, Pa.:

1. An extract from the "Diary of the Indian Congregation in the Barracks at Philadelphia," said diary being a record of events from day to day officially furnished the authorities of the Moravian church at Bethlehem by the Moravian missionaries who were with the Indians in the barracks,—viz., David Zeisberger, Bernhard Adam Grube, and John Jacob Schmick:

"FEB. 6.—At midnight a general alarm was sounded and all rushed to arms. The bells in the city were rung. The citizens were awakened and summoned to the state house, for word had come that the insurgents would be on hand at daybreak. Our Indians slept quite peacefully and took little notice of the uproar. During the day several Brethren from the city visited us. The day was passed amid the utmost confusion. Two companies of citizens, *among whom were many Quakers in arms*, came in here" [*i.e.*, into the barracks].

2. Extract from a letter of Grube to Bishop Nathanael Seidel, of Bethlehem, dated February 9, 1764:

"We have seen on this occasion that we yet have many hundred friends in the city who are not willing that we should be put to death. *Even many Quakers armed were with the company here in the Barracks.*"

3. Extract from a letter of the Rev. George Neisser, at the time pastor of the Moravian church in Philadelphia, to Frederick W. de Marschall, then at Bethlehem, dated February 6, 1764:

"They [*i.e.*, the Messrs. Hamilton and Chew] had so much influence [*i.e.*, in their efforts to arouse the people against the insurgents] that about 500 men formed in companies, *and even Quakers, especially young men, took up arms.*"

APPENDIX IV.—(*Page* 161.)

DECLARATION OF THE CAUSES OF TAKING UP ARMS.

THE paper from which the following extracts are taken was prepared in 1882 by Dr. George H. Moore, of the Historical Society of New York, and read at one of its meetings. By his kind permission they are reprinted here.

Dr. Moore had found among the original papers in the possession of the Society a document which proved to be a

draft of the "Declaration of the Causes of taking up Arms," adopted by Congress in July, 1775. From his familiarity with the handwriting of men conspicuous in Revolutionary history he was soon able to identify that used in this paper with the handwriting of John Dickinson. Having been confirmed in his opinion by a careful comparison of this paper with authentic writings of Mr. Dickinson, he came to the conclusion that he, and not Mr. Jefferson (as had been claimed by himself and by his numerous biographers), was the true author of every part of the famous "Declaration of the Causes of taking up Arms." He prepared and read before the Society in whose possession this precious document was found a complete and satisfactory vindication of Mr. Dickinson's claim to the authorship of this paper.

Dr. Moore's paper treats of many events in Mr. Dickinson's life which have been referred to in the text, and therefore those portions are not reproduced here. His paper is accompanied by a fac-simile of the draft of the "Declaration." It has been found practicable to insert here only a portion of that fac-simile, the portion chosen being the famous last four and a half paragraphs, which Mr. Jefferson seems to have had a peculiar pride in claiming as his own.

Statement of Dr. George H. Moore.

We have the positive statement of Mr. Dickinson that the Declaration on taking up Arms in 1775, like all the other papers included in the publication of his political writings, was composed by him. We find no other claimant for it or any part of it, during his lifetime. And he had rested with his life's best companion in the quiet Friends' burying ground in Wilmington for nearly a quarter of a century before the first and probably last and only interference with his title began to be bruited abroad.

In 1829, the Memoirs, Correspondence and Private Papers of Thomas Jefferson, were first published from the original MSS. under the editorial supervision of his nephew, the late

Thomas Jefferson Randolph. The Memoir, contained in the first volume, gives circumstantial notices of his earliest life; and is continued to his arrival in New York, in March, 1790, when he entered on the duties of Secretary of State, under Washington. Its first sentence indicates the time and circumstances in which it was written.

"JANUARY 6, 1821. At the age of seventy-seven, I began to make some memoranda, and state some recollections of dates and facts concerning myself, for my own more ready reference, and for the information of my family."

Mr. Jefferson's life and career are too familiar to need any recapitulation here of the events which preceded his entry into Congress, in which he was destined to hold so conspicuous a place. I shall therefore have occasion to quote those passages only from his autobiography which record his entrance there and happen to be those which chiefly concern the subject and the object of the present paper. Mr. Jefferson says:

"I took my seat with them on the 21st of June. On the 24th, a committee which had been appointed to prepare a declaration of the causes of taking up arms, brought in their report (drawn I believe by J. Rutledge) which, not being liked, the House recommitted it on the 26th, and added Mr. Dickinson and myself to the committee. . . . *I prepared a draught of the Declaration* committed to us.[1] *It was too strong for Mr. Dickinson.* He still retained the hope of reconciliation with the mother country, and was unwilling it should be lessened by offensive statements. He was so honest a man, and so able a one, that he was greatly indulged even by those who could not feel his scruples. We therefore requested him to take the paper, and put it into a form he could approve. *He* did so, *preparing an entire new statement*, and *preserving of the former only*

[1] It would be an interesting feature of this discussion, if a comparison could be made between the draft which Mr. Jefferson says he prepared, too strong for Mr. Dickinson, and the stirring periods of the document we have! Certainly nothing which Mr. Jefferson had written before that time has anything like the tone and ring of this Declaration, and I do not think it can ever suffer in any just comparison with the much more famous Declaration of Independence a year later.

the LAST FOUR PARAGRAPHS AND HALF OF THE PRECEDING ONE. We approved and reported it to Congress, who accepted it."

Such is Mr. Jefferson's own account of his share in the composition of the Declaration of 1775.

Mr. Tucker, in his life of Jefferson, published in 1837, a few years later, reasserts the claim thus made in the Autobiography, and quotes entire "the part furnished by Mr. Jefferson" . . . "as a specimen of his sentiments and diction at the time." He states as a fact, derived from anecdotes related in the same autobiography, that "the pride of authorship relative to the several public addresses which emanated from that body, mingled with their grave and momentous deliberations."

Mr. Tucker does not fail to call attention to the fact that the portion claimed by Jefferson is "precisely that part of Mr. Dickinson's paper which annalists have commonly quoted," and adds—"It probably owes its distinction not wholly to its intrinsic superiority, but in part also to its harmonizing better with the issue of the contest."

Mr. Jefferson's reputation as a writer, which is said to have preceded him in the Congress, was that of the author of "A Summary View of the Rights of British America"—the proposed instructions to the Virginia delegates in 1774. It must have been not a little enlarged by his answer to the conciliatory propositions of Lord North presented by Lord Dunmore to the Virginia Assembly in June, 1775,—which as the result of their action he brought with him to Philadelphia.

I think no one will question the opinion that the diction of this document is altogether different and manifestly inferior to the Declaration. It was reported to the House on the 12th of June, and was adopted "with a few softening touches."

In this paper the Burgesses, after professing their wish for a reconciliation with the mother country, as, next to the profession of liberty, "the greatest of all human blessings," declare, that they cannot accept the proffered terms, and refer the subject to the General Congress then sitting. They conclude in the following animated strain:

"For ourselves, we have exhausted every mode of application which our invention could suggest, as proper and promising. We have devoutly remonstrated with Parliament; they have added new injuries to the old. We have wearied our King with supplications; he has not deigned to answer us. We have appealed to the native honor and justice of the British Nation; their efforts in our favor have hitherto been ineffectual. What then remains to be done? That we commit our injuries to the even-handed justice of that Being who doth no wrong, earnestly beseeching him to illuminate the Councils, and prosper the endeavors of those to whom America hath confided her hopes; that through their wise direction we may again see reunited the blessings of liberty and property, and the most permanent harmony with Great Britain."

Neither this document, nor the still more important amplification of it which Mr. Jefferson wrote in the following month, indicates any of those unmistakable features in common with the concluding paragraphs of the Declaration of 1775—the family resemblance which might stamp them as the offspring of the same parent.

As we read them in order, even if we could recognize the step of the march as taken in similar time, the changes seem like those of the military parades with which we are all familiar, in which the monotonous though noisy drums and fifes fill up the intervals of far grander music.

A later biographer of Mr. Jefferson enlarges on this theme with much greater enthusiasm, but no more knowledge:—He says of his idol—

"He had not a particle of the vanity of authorship, of being at the head of committees, or of bearing the name of leadership. In three cases out of four, where, in his various writings, he mentions his participation in the action of any celebrated committee of which he was really chairman, he places his name last—and this, oftentimes, in instances where it is not easy to find the records which assign him his true position. We scarcely recollect an example of a contrary kind, where a

positive effort had not been made (not to leave the thing in a state of equality where he left it) but to directly take credit from him to give it to another. And his reclamations, then, were usually something of the latest, as in the instance just given in regard to the Address on the Causes of taking up Arms.

"That production was one of the most popular ones ever issued by Congress. It was read amid thundering huzzas in every market place, and amid fervent prayers in nearly every pulpit in the Colonies. The commanders read it at the head of our armies.[1] On the heights of Dorchester (we think it was) amid booming cannon and under the folds of the banner bearing the ever-green pine tree and the sternly confident motto 'Qui transtulit, sustinet,' Putnam proclaimed it to the applauding yeomanry of New England under his command. It was quoted again and again admiringly in history. It will not probably be denied that this celebrated production owed most of its popularity to 'the last four paragraphs and half of the preceding one.' It would have been a very ordinary affair without these. This was the only part the admiring historians quoted. Yet 'the youngest member but one in Congress' never gave even a hint (we believe) of its authorship, *suffering all the reputation of it to rest with Mr. Dickinson, until he mentioned it in a paper (the Memoir) destined never to see the light until Mr. Dickinson and himself had gone down to the grave.* Of this, as of various other reclamations which he really owed to himself, he made no memoranda until he was seventy-seven years old, showing how little precaution he took, or anxiety he felt, on the subject. And many of them, like this, seem rather accidentally or incidentally made in his simple narration of facts, than set down for any special purpose. It may be truly said, and the remark is thrown out here somewhat in advance —that the reader may make it a standard to try Mr. Jefferson

[1] Bancroft: viii. 47. Declaration read "on Prospect Hill amidst such shouts that the British on Bunker Hill put themselves in array for battle" on the 18th July, 1775.

by on all occasions—that a conspicuous public man more utterly destitute of vanity than he was, never existed. . . ." *Randall:* vol. ii., 114–116.

Such is Mr. Randall's estimate of what he elsewhere describes as "the first purely popular address prepared by Mr. Jefferson," and that gentleman's self-denying modesty. It is hardly necessary to add Mr. Parton's vivacious and lively periods on this topic. He improves on all his predecessors, and illuminates for the moment by his brilliant persiflage the shadows he aims to deepen over any part which Mr. Dickinson or anybody else but Mr. Jefferson might, could, would or should claim, in the Declaration of 1775.

Here, permit me to pause a moment and return to Mr. Jefferson's memoranda—in which his story of the Declaration is supplemented by a still more extraordinary account of the second Petition to the King, of which, it will be noticed, he does not claim any share in the composition. I must ask your close attention to every word of this studied depreciation of Mr. Dickinson and its dramatic finish in the final anecdote.

"Congress gave a signal proof of their indulgence to Mr. Dickinson, and of their great desire not to go too fast for any respectable part of our body, in permitting him to draw their second petition to the King according to his own ideas, and passing it with scarcely any amendment. The disgust against its humility was general, and Mr. Dickinson's delight at its passage was the only circumstance which reconciled them to it. The vote being passed, although further observation on it was out of order, he could not refrain from rising and expressing his satisfaction, and concluded by saying, 'there is but one word, Mr. President, in the paper which I disapprove, and that is the word *Congress*;' on which Ben Harrison rose and said, 'there is but one word in the paper, Mr. President, of which I approve, and that is the word *Congress*.' "

The official record of proceedings on this subject is as follows:

On the 3d of June, 1775, it was resolved that a committee

of five be appointed to draught a petition to the King—and when the Congress proceeded to the choice, which was by ballot, the following gentlemen were elected:

Messrs. DICKINSON
JOHNSON
J. RUTLEDGE
JAY AND
FRANKLIN.

On the 19th June, the Committee appointed to prepare a petition to the King, reported a draught of one, which was read.[1]

On the 4th July, the petition to the King being again read, after some debate, the further consideration of it was deferred till the next day, when Congress resumed its consideration and being debated by paragraphs, was agreed to, and ordered to be engrossed.

On the 8th July, having been engrossed, it was compared at the table and signed by the members present.

It must not be forgotten that this paper which Mr. Jefferson would have us believe was reluctantly and barely tolerated by an impatient Congress was drawn by the same hand and under consideration at the same time with the Declaration,[2] a share in whose composition is claimed by Mr. Jefferson himself. He emphasizes the contrast between the general disgust at the humility of the one and the universal admiration of the other by his picture of the delight of Mr. Dickinson—but the absurdity

[1] Washington was appointed Commander-in-chief on the 15th of June, 1775.

[2] "As to matters of fact, the Proclamation; which you ascribe to General Washington upon his first taking the command of the Army, was drawn up by Congress. The consideration of it proceeded *pari passu* with the Petition to the King, and was passed by Congress while the Petition was engrossing. The truth is there was *a considerable opposition to* the sending *another petition* considering the manner in which the former had been treated. But *several members were warm in favour of it.* The matter was compromised, and the petition and declaration were both ordered and passed in a manner together." *C. T. to D. Ramsay. New York: Nov.* 4, 1786. *Coll. N. Y. H. S.* 1878: pp. 215–16.

of his narrative reaches its climax in the anecdote about the word *Congress.*

That word appears but once in the entire document; in the opening sentence, which is precisely similar, indeed in almost the identical words of the first petition. Nobody can read the document itself and believe for one moment that either Mr. Dickinson or Mr. Harrison could by any possibility have wasted their breath in such empty talk on *any* occasion, much less in a scene of such momentous interest to themselves and their country.

Yet ridiculous as it must appear to any well ordered intellect, after a moment's attention, this worthless tale has been embalmed in some of the most carefully written periods of our ablest historians—like a dead fly in the precious ointment of the apothecary. They seem to have thought the word "Congress" a word to charm with—a word of mysterious power and significance—instead of a harmless necessary word of description in that place, and one absolutely colorless and void of offence. It would hopelessly puzzle the most diligent critic to find anything hidden in that simple combination of eight letters of the alphabet, where it is used in that document.

If any man can discover any good honest reason why Mr. Jefferson wrote such a story in his autobiography—he will render a seasonable and important service to the much exalted reputation of its author.

Mr. Jefferson himself has furnished a formula for stating with due respect any doubts of the accuracy of his recollections. Referring to a letter of Governor McKean, written in July, 1807, on the circumstances attending the Declaration of Independence, he says, that the Governor, "trusting to his memory chiefly, at an age when our memories are not to be trusted, has confounded two questions and ascribed proceedings to one which belonged to the other."[1]

[1] In a letter to Madison, Aug. 30, 1823, Mr. Jefferson says: "Mr. Adams's memory has led him into unquestionable error. At the age of eighty-eight and forty-seven years after the transactions . . . this is not wonderful. Nor should

Now Governor McKean had then reached his seventy-third year. Mr. Jefferson's Memoirs were begun, as he has himself told us, at the age of seventy-seven. To complete them, he seems to have not only trusted his memory but taxed his invention.

I have quoted the performances of Mr. Jefferson's biographers, who have adopted his statements without any hesitation. It is needless to multiply examples of the facility with which the pen of the ready writer contributes to the currency of errors of fact, which become inveterate by repetition.

"Addictus jurare in verba magistri," if not the motto, describes the active principle of the great mass of hasty, careless, indifferent, and uncritical writers of what they or their publishers call history.

But these are not all. The greatest is behind—for the honored name of Mr. Bancroft must be cited as having accepted without criticism these statements of Mr. Jefferson. That great historian, whose work is at once the monument of his own fame and that of his country, is not to be mentioned here or by me without becoming reverence. The patriarch of American Letters, he has just added to the permanent literature of the world two volumes on the History of the Formation of the Federal Constitution which will doubtless increase his exalted reputation. His reference in the beginning of his last volume to his old and his new friends is touching in its pathetic interest: "Scarcely one who wished me good speed when I first essayed to trace the history of America remains to greet me with a welcome as I near the goal. Deeply grateful as I am for the friends who rise up to gladden my old age, their en-

I, at the age of eighty, on the small advantage of that difference only, venture to oppose my memory to his, were it not supported by written notes, taken by myself at the moment, and on the spot." *Works:* vii. 304.

In a letter to Mr. Wirt (Aug. 5, 1815), he says of the same period: "the transaction is too distant, and my memory too indistinct to hazard as with precision even what I think I heard from them [other contemporaries]. In this decay of memory, Mr. Edmund Randolph must have suffered at a much earlier period of life than myself." *Works:* vi. 486.

[illegible]

[illegible]

[illegible]

[illegible]

Declaration [illegible]

[illegible]

couragement must renew my grief for those who have gone before me."

At an age when most men seek repose and rest on their laurels, he is challenging new labors, and achieving new triumphs. Yet, Homer sometimes nods, and although accustomed to deal with every form of the materials of history, with a keenness of critical faculty and skill unrivalled, yes, unapproached by any of his fellows—in this case, Mr. Bancroft seems to have been overpowered in the presence of the great chief of American Democracy. He could not question the authority of Thomas Jefferson.

We have then Mr. Dickinson's positive statement that he was the author of the document. Mr. Jefferson himself confirms it as to all but the "last four paragraphs and half of the preceding one."

The original manuscript draft, to which I now call the attention of the Society, proves that the author of any part was the author of every part—that there was but one hand in the work, and that the hand of John Dickinson.

I am well aware of the danger of attempting to determine the authorship of a paper, intended for the public, from the handwriting in which the manuscript appears—unless the proofs are patent that it came from the hand of him whose thoughts and expressions it records. In this case there is no room whatever for doubt. The suggestion of imitation or forgery is excluded. No person but the author himself ever had any hand in the preparation of this document. It is in the handwriting of John Dickinson, and these corrections, additions, interlineations, revisions, in number, extent, position and character, forbid the supposition that he copied any portion of this paper from a draft by Mr. Jefferson, or any other person. It is the original first draft of the whole, and the proof of it is in no portion of the whole more conspicuous and certain than in the "*last four paragraphs and half of the preceding one*" claimed as his own by Mr. Jefferson—in his old age—and accorded to him without doubt or hesitation ever since.

For the use of original papers for comparison which enabled me to determine positively the fact of authorship by identifying the handwriting of this document, and its author's method of composition, I was indebted to the late Dr. John Dickinson Logan of Baltimore, who became interested in my purpose, and was gratified by the results of my examination. Had he lived to this day, he would have been still more gratified by the knowledge that I should have this opportunity to present them to the New York Historical Society.

His kindness and confidence enabled me to place side by side with these sheets—the similar drafts of one of the Petitions to the King, and the Address to the Inhabitants of Quebec, dated October 26th, 1774, all indicating the same methods of composition and all unquestionably in the same handwriting. I have had ample opportunity to acquire the knowledge of an expert in these and similar examinations, and I have no hesitation in speaking positively, and without fear of cavil or contradiction from any one who is qualified to give an opinion in the case. My position cannot be successfully assailed. I am sure of it.

And now my task is ended—my purpose is accomplished. Permit me however to say that I will not disguise the pleasure I have felt in paying such tribute as I could to the memory of John Dickinson—the grand old Quaker Farmer on the Delaware!

APPENDIX V.—(*Page* 200.)

MR. DICKINSON'S VINDICATION OF HIS CAREER DURING THE REVOLUTION.

(*Freeman's Journal*, Wednesday, Jan. 1, 1783.)

MR. BAILEY,—I shall be obliged to you, if you will be pleased to give the following piece a place in your paper. Its being writ in fragments of evenings, after attention to the public

and private duties of the day, will, I hope, be admitted as a sufficient apology for its defects. I am, Sir, with great respect

Your very humble servant,

JOHN DICKINSON.

To my Opponents in the late Elections of Councillor for the County of Philadelphia, and of President of the Supreme Executive Council of Pennsylvania.

GENTLEMEN,—I address you as men of sense, candour and integrity. If I hereby over-rate the characters of some of you, they, no doubt, will undervalue mine. Such a kind of retaliation will correct the favour shewn them; and while it gratifies them I shall not repine, for it will give me much less pain to be traduced by them, than to fail in the respect due to any man of merit among you.

The persons first described will regard truth and reason and will be pleased to find themselves furnished with facts and arguments, enabling them to disengage their minds from the prejudices arising out of erroneously combined ideas, of which, thro' the frailty of our nature, party zeal is too frequently composed.

Before the late elections, I was diligent in affording you every advantage for carrying on your operations. I stood still—cast away all defence—and bared my breast to receive every blow, either openly or covertly aimed at me, and you yourselves could not complain, that "I declined receiving your whole weapon into my body." I wrote to the printers of this city,[1]

[1] Oct. 2, 1782.

SIR,

An attack upon my character having lately been made in your paper, which probably will be repeated, I most chearfully consent to your publication of every piece written against me, that shall be offered to you; but I desire that nothing may be published in my defence or favour

I am, Sir, your very humble servant

JOHN DICKINSON.

MR. BAILEY.

Oct. 2, 1782.

GENTLEMEN,

An attack having lately been made from the press upon my character, which probably will be repeated, I beg leave to inform you, that I am perfectly willing

requesting them to publish every piece that should be offered them against me, but nothing for me, and I entreated my friends to rely on the votes that should be dictated by the judgment and consciences of a discerning and virtuous people. As to myself, I never at any time stepped out of my house, for the purpose of electioneering: and upon the morning of the election for the county, I went into the Delaware state, where I staid several weeks, and till within four days of the election of a president.

You might have perceived by this conduct, that I defied, beyond expression, all your efforts against *me*. Indeed I did. What was my support amidst the unprovoked war you waged upon me, or, what would have been my consolation, if you had succeeded, perhaps you may at some favourable opportunity hereafter discover. Certain it is, that, if you *had* succeeded, I should not have attempted to comfort myself, by asking for your attention.

In *that* case, the reputation of one of her private citizens might have been of little consequence to Pennsylvania. *Now*, a desire of being useful to her, in the station she has assigned me, and of vindicating those who have honoured me with their votes, call upon me to shew, that I am not the man I have been by some of you so laboriously represented.

As these motives will, I hope, even in your opinion, justify the measures I am taking, permit me to expect from your sincerity, that you will of course forgive my compliance with the necessity, which you have imposed upon me of making myself the subject of this address.

every piece written against me, and offered to you for publication, should be inserted in your paper; but I desire that nothing may be published in my defence or favour, Your compliance with this request will exceedingly oblige, Gentlemen,

Your very humble servant,

JOHN DICKINSON.

MESS. HALL AND SELLERS.

A similar letter was sent to Messieurs Bradford and Hall, Messieurs Dunlap and Claypoole, and Mr. Oswald.

Many of you, gentlemen, were children, many of you strangers to this land, during a considerable period, in which I was rendering to it all the services within my power. Let those who were witnesses of my behaviour declare, whether, throughout my whole life I have been the warm, disinterested friend of the people the zealous and industrious asserter and maintainer of their rights and liberties, or the artful pursuer of private advantages.

I challenge my enemies to point out a single instance, where, either as a lawyer or as a member of assembly, I ever took a part in the least degree unfavourable to those rights and liberties. I go farther. I challenge them to point out the instances, while I practised at the bar, or had a seat in legislation, where questions of moment to the public arose, and I was not found on the side of my country.

How long, how fervently, have numbers of you commended and loved me for my exertions, such as they were, in the cause of freedom? How lately, and violently, you have endeavoured to disgrace and ruin me, is sufficiently known. With what justice remains to be enquired.

Four charges are brought against me.

First. That I opposed the declaration of independence in Congress.

Secondly. That I highly disapproved the constitution of this state.

Thirdly. That I deserted my battalion, when it went into the field in December 1776, and the American cause, till the treaty with France, or, as some say, till the convention of Saratoga.

Fourthly. That I injured, or endeavoured to injure the continental money, particularly, by writing a letter to my brother.

The first charge, as it is made, I deny: but I confess that I opposed the making the declaration of independence *at the time when it was made*. The right and authority of Congress to make it, the justice of making it, I acknowledged. The policy of *then* making it I disputed.

To render this charge criminal, it should be shewn that I

was influenced by unworthy motives. It will not be enough to prove that I was mistaken: so far from it, that if it appears I was actuated by a tender affection for my country, I know my country will excuse the honest error.

When that momentous affair was considered in Congress, I was a member of that honourable body for this state. I thereby became a *trustee* for *Pennsylvania* immediately, and in some measure for the rest of America. The business related to the happiness of millions then in existence, and of more millions who were unborn. I felt the duty and endeavoured faithfully to discharge it.

Malice and envy must sigh and confess, that I was among the very first men on this continent, who by the open and decided steps we took staked our lives and fortunes on our country's cause. This was done at an æra of the greatest danger, as it was unknown how far we should be supported. In *this* point, no reserve, no caution was used by me; and, tho' marked out by peculiar circumstances for the resentment and vengeance of our enemies, if they had succeeded, I frankly pledged *my all* for her freedom.

Thus far I had a right to go, whatever I ventured, for I was risking only *my own.* But when I came to deliberate on a point of the last importance to you and my other fellow citizens, and to your and their posterity, *then*, and not till then, I became guilty of reserve and caution—if it was guilt to be more concerned for you and them than I had been for myself. For you and them I *freely* devoted myself to every hazard. For you and them I exerted *all my cares and labours*, that not one drop of blood should be unnecessarily drawn from American veins, nor one scene of misery needlessly introduced within American borders.

My first objection to making the declaration of independence, *at the time when it was made*, arose from this consideration: It was acknowledged in the debate, that the first campaign would be decisive as to the final event of the controversy. I insisted that the declaration would not strengthen us by one

man, or by the least supply—on the contrary, it might be construed to manifest such an aversion on our part, as might inflame the calamities of the contest, and expose our soldiers and inhabitants in general to additional cruelties and outrages —We ought not, without some prelusory trials of our strength, to commit our country upon an alternative, where, to recede *would be* infamy, and to persist *might be* destruction.

No instance was recollected of a people, without a battle fought or an ally gained, abrogating forever their connection with a great, rich, warlike, commercial empire, whose wealth or connections had always procured allies when wanted, and bringing the matter finally to a prosperous conclusion.

It was informing our enemies what was the ultimate object of our arms, which ought to be concealed until we had consulted other powers, and were better prepared for resistance— It would too soon confirm the charges of those in Great Britain who were most hostile to us, and too early contradict the defences made by those who were most friendly towards us. It might therefore unite the different parties there against us, without our gaining any thing in counterbalance.—And it might occasion disunion among ourselves, and thus weaken us.

With other powers, it might rather injure than avail us— There was a certain weight and dignity in such movements, when they appeared to be regulated by prudence, that would be lost, if they were attributed to the emotions of passion. If politicians should be induced to ascribe the measure to the violence of this dictator, we might be deprived in their judgment of the merit of what they thought we had well done before, and of a just credit with them in future for our real force and fixed intentions—How such a judgment would operate was obvious.

Foreign aid would[1] not be obtained by the declaration, but by our actions in the field, which were the only evidences of our union and vigour that would be respected,—and by the

[1] This was confirmed by the conduct of France.

sentiments statesmen should form upon the relative consequences of the dispute. This opinion was confirmed by many similar instances particularly in the war between the United Provinces of the Low Countries and Spain, in which France and England assisted the former, before they declared themselves independent, which they did not do till the *ninth* year of the war. If it was the interest of any European kingdom or state to aid us, we should be aided without such a declaration. If it was not we should not be aided with it—On the sixth day of July, 1775, a *year* within two days *before* the declaration, Congress assured the people of America in an address, that,[1] "*Foreign assistance was* UNDOUBTEDLY *attainable*." FACTS SUBSEQUENT TO THAT DATE, WITH WHICH EVERY MEMBER WAS ACQUAINTED IT WAS NEEDLESS TO MENTION.

We ought to know the disposition of the great powers, before such an irrevocable step should be taken; and, if they did not generally chuse to interfere, how far they would permit any one or more of them to interfere. The erection of an Independent Empire on this continent was a phenomenon in the world—Its effects would be immense, and might vibrate round the globe—How they might affect, or be supposed to affect old establishments, was not ascertained—It was singularly disrespectful to France, to make the declaration before her sense was known, as we had sent an agent expressly to enquire, "whether such a declaration would be acceptable to her;" and we had reason to believe he was then arrived at the court of Versailles—Such precipitation might be unsuitable to the circumstances of that kingdom, and inconvenient—The measure ought to be delayed, till the common interests should be in the best manner consulted, by common consent. Besides, the door to accommodation with Great Britain ought not to be shut, until we knew what terms could be obtained from some competent power—Thus to break with her, before we had compacted with another, was to make experiments on the lives and liberties of

[1] Journals of Congress, Vol. 1. Page 147.

my countrymen, which I would sooner die than agree to make; at best, it was to throw us into the hands of some other power, and to lie at mercy; for we should have passed the river, that was never to be repassed—If treated with some regard, we might yet be obliged to receive a disagreeable law tacked to a necessary aid. This was not the plan we should pursue. We ought to retain the declaration, and remain as much masters as possible of our own fame and fate—We ought to inform that power, that we were filled with a just detestation of our oppressors; that we were determined to cast off for ever all subjection to them; to declare ourselves independent; and to support that declaration with our lives and fortunes—provided that power should approve the proceeding; would acknowledge our independence, and enter into a treaty with us upon equitable and advantageous conditions.

True it is, that we have happily succeeded, without observing these precautions; and let my enemies triumph in this concession, when they shall have produced an example from history to equal the justice, wisdom, benevolence, magnanimity, and good faith, displayed by his most christian majesty, in his conduct towards us. Till then, at least, let me be pardoned for having doubted—whether there was such a monarch upon earth.

Other objections to making the declaration, *at the time when it was made*, were suggested by our internal circumstances. To me it seemed, that, in the nature of things, the formation of our governments, and an agreement upon the terms of our confederation, ought to precede the assumption of our station among sovereigns. A sovereignty composed of several distinct bodies of men, not subject to established constitutions, and those bodies not combined together by the sanction of any confirmed articles of union, was such a sovereignty as had never appeared. These particulars would not be unobserved by foreign kingdoms and states, and they would wait for[1] other proofs of

[1] See this confessed in the French "Observations on the Justificative Memorial of the Court of London."

political energy, before they would treat us with the desired attention.

With respect to ourselves, the consideration was still more serious.

The forming of our governments was a new and difficult work. They ought to be rendered as generally satisfactory to the people as possible—When this was done, and the people perceived that they and their posterity were to live under well-regulated constitutions, they would be encouraged to look forward to confederation and independence, as compleating the noble system of their political happiness—The objects nearest to them were *now* enveloped in clouds, and therefore those more distant must appear confused. That they were independent, they would know; but the relation one citizen was to bear to another, and the connection one state was to have with another, they did, could not know. Mankind were naturally attached to plans of government, that promised quiet and security under them.—General satisfaction with them, when formed, would be indeed a great point attained; but persons of reflection would perhaps think it absolutely necessary, that Congress should institute some mode for preserving them from the misfortune of future discords.

The confederation ought to be settled before the declaration of independence.[1] Foreigners would think it most regular—The weaker states would not be in so much danger of having disadvantageous terms imposed upon them by the stronger—If the declaration was first made,[2] political necessities might urge on the acceptance of conditions, that were highly disagreeable to parts of the union. The present comparative circumstances of the [3] states were now tolerably well understood; but some states had very extraordinary claims to territory, that if admitted in a future confederation, as they might be, the

[1] This has been since proved, by France urging, as she has done, the completion of the confederation.

[2] This has since actually happened.

[3] The word "States" is used here as most familiar, tho' not used in the debate.

terms of it not being yet adjusted all idea of the present comparison between them would be confounded—Those states, whose boundaries were acknowledged, would find themselves sink in proportion to the elevation of their neighbours. Besides, the unlocated lands, not comprehended within acknowledged boundaries, were deemed a fund sufficient to defray a vast part, if not the whole, of the expences of the war. These ought to be considered as the property of all the states, acquired by the arms of all. For these reasons the boundaries of the states ought to be fixed before the declaration, and their respective rights mutually guarantied; and the unlocated lands ought also, previous to that declaration, to be solemnly appropriated to the benefit of all the states: for it might be extremely difficult, if not impracticable, to obtain these decisions afterwards. Upon the whole, when things should be thus deliberately rendered firm at home, and favourable abroad, then let America

"*Attollens humeris* FAMAM, *et* FATA *nepotum*,"

advance with majestic steps, and assume her station among the sovereigns of the world.

Thus to have thought, and thus to have spoke, was my offence, gentlemen, on the subject of independence. Do you condemn me for thinking as I did, or for speaking as I thought? Could the former be a crime? and was not the latter a duty? What title of infamy would have been adequate to my guilt, if, entertaining the sentiments I did, and entrusted as I was, any consideration could have prevailed upon me to suppress those sentiments on a point of such eventful moment to my country? Was I by her placed in Congress, to re-echo the words of others, or to exercise my judgment and obey my conscience, in deciding upon the common welfare?

A powerful consideration was not wanting, to tempt me into a swerving from the rule ever prescribed to myself—that of regarding the general good with singleness of heart.

It was my misfortune to have acquired some share of repu-

tation; for the injuries done my country had occasioned it. Her love I valued as I ought, but not as much as I valued herself. I knew, and told Congress, that I was acting an unpopular part in the debate upon the declaration; and I desired that illustrious assembly to witness the integrity, if not the policy of my conduct.

What other motive can you suspect that I had for this behaviour? Compare it with my preceding and following actions. Though I spoke my sentiments freely, as an honest man ought to do, yet, when a determination was made upon the question against my opinion, I received that determination as the sacred voice of my country, as a voice that proclaimed her destiny, in which, by every impulse of my soul, I was resolved to share, and to stand or fall with her in that plan of freedom which she had chosen. From that moment, it became my determination; and I cheerfully contributed my endeavours for its perpetual establishment.

Have you forgot, gentlemen, this remarkable circumstance, that within a few days, to the best of my remembrance, within a week, AFTER *the declaration of independence*, I was the *only* member of Congress that marched with my regiment to Elizabeth Town against our enemies, then invading the state of New York, and continued in actual service there, daily in sight of them, every moment exposed, and frequently expecting upon intelligence received to be attacked, during the whole tour of duty performed by the militia of this city and neighbourhood.[1]

Be pleased to decide, what was my motive for this conduct. Be pleased also to consider what is the reason, why none of your writers, in the multitude of their publications against me, have ever mentioned, or even given the least hint of this fact. Don't you really believe, that, if it was thought by them only a trifling circumstance in my favour, they would have taken some notice of it, and, with one of their witty turns, have consigned

[1] [Mr. Dickinson was in error: Colonel McKean commanded a regiment at the same time while delegate from Delaware. C. J. S.]

it over to contempt? Don't you really believe, it was thought by them a strong proof of my devotion to the *independence* of America when once it became the *resolution* of America—a proof which they wish never to be remembered in Pennsylvania —and a clear demonstration that all my arguments, concerning *the time* of making the declaration, were in my judgment and conscience done away, and were of no more use, *after it was made*, than the rubbish caused in erecting a palace? Reasons that were proper in a *debate*, were useless after a *decision;* and the nature of *these* evinces that they opposed only *the time of the declaration*, and not *independence itself.*

That event has proved, that the national council was right; and may others learn, by my instance, to venerate the wisdom collected in that august body, as they ought to do. There is a light in that constellation, sufficient to direct the vessel freighted with the fortunes of America, through the tempestuous ocean upon which she sails, safe in the wish'd for port—if the people will but be guided by it.

Is it an incredible thing with you gentlemen, that a man might desire the declaration to be deferred, and yet heartily maintain it after it was made! If so, what do you think of those men, who opposed the declaration in Congress as earnestly as I did, and now hold the highest posts under the United States, or some of them, are possessed of their utmost confidence, and discharge their respective duties with distinguished honour to themselves, and advantage to America? What do you think of numbers of brave officers in our army, who wished the declaration to be deferred, and yet, from the instant it was made, and ever since have, under a load of difficulties, traversed different regions of this continent, freely to proffer their blood for its support?

[1]The second charge brought against me is, that I highly disapproved the Constitution of this state. So I did; for I thought it unnecessarily expensive, and not as well calculated as it might

[1] *Freeman's Journal*, Wednesday, January 8, 1783.

have been, for permanently securing and advancing the happiness of the people. I confess my anxiety was extreme, that such a constitution should be framed as would be most likely to secure and advance that happiness. The observations that have been made to shew that I was bound by obligations of honesty and love of country, to speak my real sentiments on the declaration of independence, are applicable here also;—for this was a business too of vast importance to Pennsylvania. Would you, gentlemen, have advised me to observe a timid, contemptible silence, or a base, treacherous advocation of the opinions of others, while the affair was open to deliberation, discussion and dispute? Would you have had me to disgrace the uniform tenor of a life employed in opposing, without distinction, under the victorious banners of truth and freedom, the most formidable parties that this country ever beheld, whether headed by factious leaders in assembly, by proprietaries or by kings—when in my judgment the measures tended to the detriment of the public? No. Men of sense, candour and integrity, would not have required so humiliating a prostitution. On this account I thank my accusers for this charge. I thank them for it on another account. Dont you perceive that this charge is utterly inconsistent with the foregoing one—of my not being a true friend to the independence of America? If I was an enemy to our independence, as my accusers represent me, why my great concern about a constitution for Pennsylvania? If I was the enemy to independence I have been described, my views and thoughts must have been engaged, and my hopes extended to a totally different purpose, that is, the subversion of independence. The constitution of Pennsylvania would, in that case, have been an object of no consequence with me. If I had been under the infatuation my accusers impute to me, I must have flattered myself that the constitution, let it be what it might, would be of short duration, and therefore of little moment—and of course, that I need not trouble myself about it.

On the contrary, no man gave plainer proofs than I did, that

I looked upon the framing a constitution, as a work of *perpetuity*, and therefore of *prodigious moment*. No man gave plainer proofs than I did, that I considered the happiness of myself and my posterity, as involved in the happiness of Pennsylvania, and the whole deeply interested in the constitution that was then to be formed. Yet *these* proofs of *these* sentiments are thundered in the ears of Pennsylvania as crimes, against her affectionate, faithful and dutiful son, citizen and servant. How shall I defend myself against adversaries, the magic of whose malice thus converts those actions, which I hope and humbly trust, Heaven itself approves, into transgressions? Poor is my chance indeed! if, as they insultingly suppose, the people of Pennsylvania are grown such wild enthusiasts as to receive their AL-CORAN for the gospel of truth. Difficult to be sure must be my contest with combatants who, not only like Proteus "others and yet the same" attack me in *a variety of forms*, but with superior dexterity shift *my* character too, as they please. One week they declare my life to be blameless. The next, even an expression of reverence for religion becomes reproachful. One day they generously adorn me with a brilliant cluster of virtues. The next, they frugally revoke the liberal donation: and as their powerful pens prescribe, my reputation is alternately—to shine or fade. Let their inconsistencies be farther examined.

I have been charged with speaking *against the sense* of America, on the subject of independence. Now I am charged *with speaking the sense* of America. For—I *spoke the sense of America respecting constitutions of government*, when I disapproved the constitution of this state. Compare this with the constitutions formed by the other states, and with the sentiments delivered by Congress in their address to the inhabitants of the province of Quebec, and you cannot fail to observe the remarkable distinctions.

Another inconsistency in the proceedings of my accusers is this—That though they treat the disapprobation I expressed of the constitution, as an inexpiable offence in *me*, yet other

gentlemen who have committed the same offence, have not only been forgiven, but have been thought worthy of the highest offices in the state, and now possess your entire confidence. The honourable messieurs M'Kean, Reed and Bayard, will, I am persuaded, excuse my using their names on this occasion. they all highly disapproved the constitution of this state, and presided or spoke against it, at public meetings held for the purpose of obtaining alterations in it. If that impairs not your favour towards them, let it not impair your favour towards me. Be assured, that if I cannot serve you as well as they have done, I will with the strictest fidelity, try to serve you as well: and your kind acceptance of my actions, as it will be a valuable reward, so it will be a great encouragement to the utmost exertions I can possibly bear for promoting your welfare.

Let us revere our common parent, Pennsylvania, whose name has gone forth with distinguished honours into the world —Honours which it is our duty to maintain. Let us abhor to disturb her peace by notes of discord, or to violate her fame by a war of reproaches. Let us forbear to wound one another: and brethren as we are, let us pour all our combined resentments, where justice and policy so plainly point them—upon the heads of our common foes. Let our harmony be their confusion, and our wisdom prove their folly.

Let us return to our old good humour, and benevolent intercourse of social offices among ourselves. Let us comply with the spirit as well as with the letter of the constitution; and not brand each other with opprobrious epithets, for thinking differently on forms of government, any more than we do for thinking differently on forms of religion. Let there be no distinction among us, but between those, on the one hand, who generously contend for the freedom, independence, and prosperity of our country, and such on the other, as weakly wish or wickedly seek for a dangerous and dishonourable connection with, or submission to the enemies of America, and the sacred rights of humanity.

Upon the whole, I beg leave to conclude this point with observing, that the present constitution is now universally agreed to. If any alterations are ever made in it, there can be no doubt but they will be made in a constitutional way; and I hope they will be only such as will be agreeable to all parties. Whether any are made or not, it is unquestionably the interest of all the citizens of Pennsylvania, that the business should be transacted in a calm, prudent manner. This is my wish; and if I live to have any concern in it, shall be my endeavour: for I am perfectly convinced, it will contribute more to our happiness, to join cordially together in supporting the present constitution, and deriving all the advantages from it which it can afford, than to be involved in civil dissentions, by attempts to obtain another, though the wisest men in the world should pronounce it to be a better.

[1] The third charge brought against me is, That I deserted my battalion when it went into the field in December 1776, and the American cause, till the treaty with France, or, as some say, till the Convention of Saratoga.

This charge I totally deny.

When the associated militia of Pennsylvania was formed, for the defence of the liberties of America, it was agreed, that the battalions should be numbered and arranged in a particular manner, and this arrangement was approved by[2] the general assembly. I had the honour of being elected colonel of the first battalion, and thereby the indisputed honour of commanding the whole militia. Though sufficiently employed in the civil line, I cheerfully accepted this station of dignity and danger, and valued it at its high worth.

[1] *Freeman's Journal*, Wednesday, January 15, 1783.

I am much obliged to the honourable Mr. Reed for giving me an early opportunity of rectifying a mistake respecting him in your paper of the 8th inst. that gentleman having since assured me, "that he never highly disapproved the constitution, nor presided or spoke at any public meetings against it."

J. DICKINSON.

[2] April 5th, 1776. Votes of the Assembly, Vol. VI. page 706, &c.

How I valued it, this fact will prove. The Journals of Congress contain these minutes:

"*Monday, February* 12, 1776.

"A letter from General Lee, dated the 9th. instant being received, was read, wherein he informs, that a transport with troops was arrived at New York, that more might be expected, and therefore that a farther reinforcement was necessary to secure and defend that place; whereupon,

"*Resolved*, That it be recommended to the convention or committee of safety of New Jersey, immediately to send detachments of their minute men equal to a battalion, under proper officers, to New York, there to be under the command of major general Lee.

"That it be also recommended to the committee of safety for Pennsylvania, immediately to send detachments of the four battalions of associators in Philadelphia to New York, there to put themselves under the command of general Lee."

"*Tuesday, February* 13, 1776.

"Resolved, That the detachments marching from Philadelphia to New York, under the command of colonel Dickinson, be allowed for subsistence while on their march the sum of one dollar and one third of a dollar per week, for each of the privates and non-commissioned officers, and that the commissioned officers be allowed in proportion according to the rations allotted to them, and that they receive the same pay as the four Pennsylvania battalions, from the time they begin their march.

"That a committee of three be appointed to consider the best method of subsisting the troops in New York; and what sum of money it will be necessary to send thither, and also what sum ought to be advanced to colonel Dickinson.

"The members chosen, Mr. Sherman, Mr. Duane and Mr. Wilson."

"*Thursday, February* 15, 1776.

"Information being received that general Clinton was gone from New York, the Congress came to the following resolution:

"The Congress have a proper sense of the spirit and patriotism of the associators of the city and liberties of Philadelphia, in cheerfully offering and preparing to march, in order to assist in the defence of New York; but as the danger, which occasioned an application for their service, is at present over, Resolved, That their march to New York be suspended."

On this occasion, I had it in *my choice* as the *first officer*, to go to New York. I would not upon any consideration wave it, though it was only a command of detachments. I was at that time *a member of Congress*, and also of *the general* ASSEMBLY, which last body was [1] *then meeting* upon business of great importance; and I was solicited in the most pressing manner by many gentlemen of the committee of safety, to decline going with the detachments, as they were pleased to think it would be more proper I should be in the assembly when it met. Their repeated applications could not prevail upon me to alter the resolution I had taken. I appeal to the members of the committee, and particularly to Mr. Robert Morris, who was present, and earnest that I should attend the assembly, for the truth of what I now say.

I well remember what the brave, venerable *conqueror of Kittaning* said to me at the Indian Queen, for having thus used my right "on the approach of danger."—But the expressions were so favourable, that I would chuse they should be repeated by him, rather than by me.

At this period, and for a long time before, you know gentlemen that I was honoured with the esteem and confidence of Pennsylvania, in a very extraordinary manner. But, soon afterwards, some men, moved either through the warmth of their zeal, provoked by personal disputes which had happened in the course of affairs, or persuaded that my ruin might afford some advantage in raising themselves, began to sow suspicions concerning me, as averse to independence, and never gave me the least credit for THAT FIRM BUT TEMPERATE PLAN OF CONDUCT

[1] It was adjourned to the 12th of February, and a Quorum met on the 14th of that month. Votes of the assembly, Vol. vi. page 662.

that *had been* absolutely necessary for bringing Pennsylvania, under her singular circumstances, *undivided* into the opposition against Great Britain, and that *was still* expedient for bringing her, *without the* [1] *appearance of division*, into ulterior measures. What *that* plan was, and what my share in forming and executing it, Mr. Charles Thomson, the worthy secretary of Congress, can fully declare.

By whatever motives my adversaries were influenced, they were indefatigable and successful. A new mode was found out for degrading me from the command of the militia of Pennsylvania. A meeting of officers and privates was held in July at Lancaster; and *while* I was consulting with a committee of Congress, the committee of safety, and some officers, and forming plans for the public defence, two brigadiers general were put over my head.

You have seen, gentlemen, how I valued this post, while possessed of it; and do you imagine I could be thus deprived of it, without feeling some pangs? I had indubitably manifested my readiness to meet the danger annexed to it. Why, then, was the honour annexed to it, and unsullied by me, to be torn from me? As to sufficiency—I was learning, and willing to learn, how to acquit myself in the office with advantage to my country. Here I wish to be perfectly understood. I am not contending for the meed of military merit. Enough it is for me, if, when acting in that line, I have done my duty as I ought to have done.

I felt the stroke, as, I believe, it was designed I should. Immediately afterwards, upon a field day, I took the opportunity of speaking to my battalion on the situation of public affairs; and in my address mentioned the undeserved indignity that had been offered me, and my sense of it—But added, that as we were soon to go into service, my affection for them, and my attachment to the common cause, should prevail over other

[1] It was considered as a point of vast importance, at that critical period, to avoid the appearance of divisions in Pennsylvania; as such a circumstance would greatly encourage our enemies to persist in their oppressive measures.

sentiments, and I would perform with them the expected tour of duty.

The call into service was made on the day of the declaration of independence, in the following manner:

"*In* CONGRESS, *Thursday, July* 4, 1776.

"Resolved, That the delegates of New York, New Jersey, and Pennsylvania, be a committee to confer with the committee of safety of Pennsylvania, and the committee of inspection and observation for the city and liberties of Philadelphia, and the field officers of the battalions of the said city and liberties, on the best means of defending the colonies of New Jersey and Pennsylvania; and that they be impowered to send expresses, where necessary."

I attended on this important occasion, the state of New York being then invaded, and that of New Jersey expecting to be invaded; and I appeal to the members of Congress, the officers and other gentlemen, who met in the *conference* held in the State House, if I did not urge the prudence and necessity of making the call GENERAL—So ready was I tho' treated in the manner that has been mentioned, to meet danger in support of independence.

The idea of a *general* call was adopted, and the committee of Congress made the following report:

"*In* CONGRESS, *Thursday, July* 4, 1776.

"The committee of Congress appointed to confer with the committee of safety of Pennsylvania, the committee of inspection and observation for the city and liberties of Philadelphia, and the field officers of five battalions of the said city, reported, that they have had a meeting with the committee and officers aforesaid, and have agreed to the following resolutions, viz.

"That all the associated militia of Pennsylvania (excepting the counties of Westmoreland, Bedford and Northumberland) who can be furnished with arms and accoutrements, be forthwith requested to march, with the utmost expedition, to Trenton, (except the militia of Northampton county, who are to

march directly for New Brunswick) in New Jersey; and that the said militia continue in service, until the flying camp of ten thousand men can be collected to relieve them, unless they shall be sooner discharged by Congress." &c.

The militia immediately prepared themselves and began their march, some, and among the rest my battalion, for Elizabeth Town.

I marched with them, though in such a weak state of health, that when I reached Trenton I was obliged to rest there a day, and then get a carriage to finish the journey, being unable to travel further on horseback. My brother, and colonel Jacob Morgan who accompanied me, are witnesses to these circumstances.

Soon after I arrived at Elizabeth Town, the command at that post devolved upon me, which I retained during all the time I was there, general, then colonel Smallwood politely declining to accept it when he came, as he expected to remain only a little while with us. Except during his short stay, I had only militia and some riflemen with me. Part of the British army,[1] composed of regular veteran regiments, was then in force on Staten Island, directly opposite to the place where we lay.

My persecutors in Philadelphia remembered me at Elizabeth Town Point. I had not been but ten days in camp,[2] when I was turned by *them* out of Congress, into which I had been brought at the beginning of the contest,[3] October the 17th, 1774, *in* OPPOSITION *to* the efforts of *those men*, who, *then* and *always my* foes, have *since* avowed *their enmity* to America. *So* MUCH ALIKE do *traytors to their country*, and *some sort of patriots*, think of me.

[1] The rest of the army and their fleet lay, I believe, about twelve or fourteen miles further off.

[2] July 20th, 1776.

[3] I had been unanimously recommended by the committee that met at Carpenters Hall, for Pennsylvania, to the general assembly, to be by them appointed a deputy in Congress; but had been kept out, by the influence above mentioned, from its meeting on the 5th. of September, till October, when the demands of the people prevailed over all further opposition.

Yes! while I was exposing my person *to every hazard*, and lodging every night *within half a mile* of hostile troops that the members of the convention at Philadelphia might slumber and vote in quiet and safety, they ignominiously voted me, as unworthy of my seat, out of the national senate.

VIRTUE! *Thou* art not but a name.—For *thou* wert my comforter in that severe season of private and public afflictions, when my country re-wounded a bleeding heart, frowned on my humbly-faithful love,—and spurned me into the dust. One dreadful kindness, Providence was pleased to mingle with my distresses. The best,—the tenderest of parents, did not live ———to behold her dishonoured son.

This shock I also bore—and "faultered not on the approach of danger" to *face* my "foreign enemies," *for the protection of*—my "domestic enemies."[1]

So satisfied was I with this duty, that I TOOK UNCOMMON PAINS, and MADE STRENUOUS EXERTIONS that I *might* CONTINUE *in immediate danger.*

[2]To their excellencies the president of Congress and the governor of New Jersey, to generals Smallwood and Gist, colonels [3] Swoope, Grub, Donaldson, and every other officer who was present in that tour of duty, I appeal for their declaration what was my behaviour during that whole period. One defect I labour under, in recollecting which, some of you, gentlemen, will, I doubt not, drop a tear. I cannot appeal to—a Mercer. Neither can I appeal to a Piper,[4] who would have

[1] The temper of my mind, at this period, may perhaps appear from a letter written to me by the secretary of Congress, in answer to one from me. In this letter, now before me, dated August 16, 1776, and addressed to me, at Elizabeth Town, are these expressions:—"I know the uprightness of your intentions; and may that Divine Providence, which has hitherto so signally appeared in favour of our cause, and in which I know you place your confidence, protect and preserve you from danger, and restore you, not to your 'books and fields,' but to your country, and to the honours of your country, to correct the errors which I fear," &c.

[2] *Freeman's Journal*, Wednesday, January 22, 1783.

[3] The names of many other officers are not remembered, and therefore omitted.

[4] Colonel James Piper, of Shippensburg, in Cumberland county, Pennsylvania, and afterwards of Hopewell township in the county of Bedford.

been as ready a witness in support of truth, as he was of freedom.

To the two first distinguished characters, whom I then almost daily saw, and to the colonels abovementioned, I particularly appeal, as able to testify the earnest and repeated efforts made by me to appease the dissatisfactions of the militia, and persuade them to maintain their post, or march forward, as exigencies required—and with what success those efforts were made, even after part of the militia at a neighbouring post had broke up and returned home.

I have every reason to believe, that many inhabitants in our sister state of New Jersey, whose cause I particularly pleaded on those affecting occasions, preserve to this day a grateful remembrance of my cares and labours for their welfare.

Let those gentlemen—let every officer and private who were there, say—What was my behaviour, when, upon intelligence received by governor Livingston, and credited by us all, "that we were to be attacked early in the morning"—our troops were several times formed before day break to receive our enemies.

If any of you, gentlemen, still doubt whether I was willing to face danger in your defence and for the promotion of your happiness, turn to the records of the last Convention, where you will find these entries:

"*Monday, August* 12, 1776.

"A letter from colonel Dickinson, informing of the desertion of two soldiers of his battalion, was read, and ordered to be referred to the council of safety.

"Letters from general Mercer and colonel Dickinson, relative to the desertions of the militia, were, by order of Congress, laid before this house."

"*Friday, August* 16, 1776.

"A letter was read, from colonel Dickinson, at the camp, complaining of the desertion of some of the associators, and praying that the convention would provide some remedy in that case: Whereupon the house agreed to the following resolutions, viz.

"Whereas this convention hath received information, that several associators of this state have deserted the camp in the face of the enemy, and returned home before the formation of the flying camp, and without the leave of the commanding officers, to the great danger of the public, and evil example to others: It is therefore

"Resolved 1st. That all such associators as shall join their respective corps, at the camp from whence they came, in eight days from this date, with such arms and accoutrements as they may have brought away with them, shall be exempted from any punishment; and those who neglect so to do, shall be apprehended, and sent under a guard to the camp, there to be tried; and in case of absconding, or concealing their arms, that they be advertised in the public news papers, and the reward of Three Pounds offered for apprehending every such person. And every associator, who shall hereafter desert his colours, shall be treated as those who have already deserted, and neglect to join their respective corps, agreeable to this resolve.

"Resolved 2d. That the commanding officers of the companies or battalions of the militia of this state, who are now on their march to New Jersey, do apprehend all deserters they meet on the road, and convey them under a guard to the camp.

"Resolved 3d. That notwithstanding the foregoing resolutions, it is not the intention of this convention to detain the militia unnecessarily from home: The associators are therefore assured, that as soon as the flying camp is formed, and the public safety will admit, they shall be permitted to return home."

Thus careful and diligent was I in watching over and guarding "the public safety," from "the great danger" that then threatened it. Great indeed it was; and it is impossible, but that many of you must perfectly well remember to what a critical situation our affairs were thereby reduced. Let every man of you, gentlemen, not in taverns or at the corners of streets, amidst the circulating curses of disappointment, but in his closet,—lay his hand upon his heart, and seriously ask,

what it thinks of me? You have brave men, sensible men amongst you. Several such, of you, were then in service. Is it not remarkable, that I, degraded and insulted as I was, should be the only man of Pennsylvania, who pursued and procured effectual measures, to remedy the evil that was destroying "the public Safety," and to keep the militia, and of course himself, still longer in a place of evident danger.

Look, if you please, at the Journals of Congress, of "Monday August 12, 1776," [1] and you will find that my letter, laid before the Convention as above mentioned by order, was directed to general Mercer, and by him inclosed in his letter to Congress; so that I had the honour of co-operating with him in the steps taken to retain the militia in service, till the flying camp could be formed. Let malevolence itself sit judge, and allot me my share in the [2] most honourable dismission, which that brave man afterwards gave us.[3]

[1] Vol. II. Page 306.

[2] "GENERAL ORDERS.

"HEAD QUARTERS, ELIZABETH TOWN, 19th. August, 1776.

"General Mercer desires his most grateful acknowledgements may be signified to the gentlemen associators of Pennsylvania, for the great attention they have paid to every part of military duty, while under his command—He is happy to have it in his power to relieve them, agreeable to order of convention, and hopes the quota of men to be furnished by such battalions will be speedily made up, in proportion to the numbers on duty here, that no delay may be given to the most honourable dismission of the remainder."

[3] Perhaps the zeal with which I acted for the service of my country, throughout this tour of duty, may be further evidenced by the following extracts, from some of a great number of original papers now in my possession, and all relating to the business during that tour.

"SIR,—In consequence of your favour to-day, I have ordered ammunition for the troops at Elizabeth Town, also two pieces of cannon, with their arrangement of necessary articles. They will be with you to-morrow, and I will do myself the pleasure of then paying you my respects. I am very sorry you do not find people actuated with such a spirit as you wish. General Washington, under the dread of *leaving this part of the country naked*, through the desertion of such numbers, has directed me to send no more men, after colonel Atlee's, to New York.

Signed H. MERCER.

To colonel John Dickinson, commanding at Elizabeth Town."

I remained with the militia to the end of our tour. To you, gentlemen, I appeal, if my conduct during that tour was not

"PERTH-AMBOY, July 29, 1776.

"SIR,—We have to-day had a court of enquiry of the commanding officers of battalions, to rectify, if possible, the disorders in the management of the commissary's branch of business.—I have wrote to general Washington.—It will give me pleasure to remove the discontents.—In the mean time take what method appears to you most likely to answer that purpose.

Signed and addressed as before . . . and thus endorsed by myself soon after receiving it. . . .

"Procured the troops stationed here to be satisfied with their provisions.

"J. D."

"PERTH-AMBOY, July 30, 1776.

"SIR,—I enclose you a copy of what the officers determined on yesterday, relative to the rations.—I have this morning received instructions from head quarters, to have proper boats built, for the purpose of transporting troops with safety and expedition.—I am told that captain Manuel Eyres, of your regiment, would be a very proper person to direct this business.—We should have at least twenty of them prepared.—The service requires that we should as speedily as possible set about this matter.—After consulting with captain Eyres, you will be able to furnish me with such hints as may greatly expedite the service.

"I am, Sir, your most respectful and your obedient servant,

"HUGH MERCER."

Directed as before.

Thus endorsed by me.—"July 30, 1776, I took all the necessary steps on this letter—collected a dozen of the most proper persons—conferred with general Livingston and them,—procured all the information I could and sent captain Eyres and Mr. Joshua Mercereau, July 31st, to general Mercer for his final orders—— Wrote so to him *at large*, some material intelligence I had received concerning the weak guard on Newark Bay—Sent him the best map of Staten Island that has yet been made, which I procured Mr. Mercereau to make.

"The design was, an attack on Staten Island." "J. D."

"WOODBRIDGE, August 3, 1776.

"SIR,—The account you gave me of the disposition of ——— battalion hath appeared, the more I think of it, the more alarming.—That no inconsiderate step may be taken, I have had the opinion of the field officers and others here, on the occasion—they join unanimously in opinion with me, that the orders issued last week, relative to such of the associators as should presume to desert the service of their country at this critical time, ought to be enforced."

Signed and directed as before.

"PERTH-AMBOY, August 11, 1776.

"SIR,—I received your favour by Mr. Brown, and in consequence of your intelligence have sent off an express with letters, one to the convention of New

universally approved. I confide in your candor, for the substitution of another expression.

I retained my post of colonel for some time after my return, at the solicitation of the officers, who were in hopes that a

Jersey, acquainting them of the desertion of numbers of the Pennsylvania militia, and desiring them to order out their militia, to guard the ferries and take other effectual steps to secure the deserters—the other to Congress advising them of the unhappy condition of the ——— militia, and desiring them to take such steps as might seem necessary on the occasion, *as these parts were like to be left exposed to the enemy.*

In consequence of a requisition from general Washington, I have ordered a number of troops to New York—Colonel Miles with about 700 riflemen, marches this day—Colonel Atlee, with his battalion and a number more, will march tomorrow.—To facilitate their march, I have thought some might be passed over in boats from Crane's ferry to Brown's ferry, on Hackinsack—therefore all the boats that can be had up the river should be collected."

Signed and directed as before.

Thus endorsed by me—"This letter was received on the 10th. of August, 1776, therefore dated wrong—consulted the committee on the measure proposed, who disapproved it.—Acquainted general Mercer with the reasons."

"PERTH-AMBOY, August 11, 1776.

"SIR,—I had intended to have ordered col. Grubs battalion of Lancaster county, to New York—but I have ordered him to Elizabeth town. You will use your utmost address to induce the militia to perform their duty at this *critical time*, when the fate of America is so near being determined.—Col. Grub is very willing to go anywhere.—I have desired him to consult with you on the defence of the Jersey shore.—Be so good to point out to him the necessity of strong guards on Bergen Neck."

Signed and directed as before.

"PERTH-AMBOY, August 11, 1776.

"SIR,—I wrote to you a few hours ago, that Colonel Grub, would march with his battalion for Elizabeth Town, tomorrow morning, which I hope will be time enough to reinforce your post.—This morning I wrote to your brother, the general, to take the most effectual measures to co-operate with us."

Signed and directed as before.

"SIR,—The ——— company seemed determined to go off tomorrow morning.—Their going will, in my opinion, be followed by the first battalion, and the rest.—The present is a matter of infinite consequence.—If colonel Dickinson will give his sentiments to the battalion this afternoon, I am convinced it would be effectual in quieting the present disturbance."

Letter from an officer to me.

better disposition towards me would succeed. At length, on the 28th of September, 1776, the Convention that had been summoned for the [1] express purposes of forming a new government, appointing delegates in congress, and a council of safety," stepped unnecessarily beyond the purposes marked out for them, by those who called them, and confirmed the two brigadiers over me. The next day but one, I resigned in writing my command of the first battalion.

Even after this resignation, I would still have accepted the command again, If I could have perceived any symptoms of a relaxation in my favour. But it was evident that too many [2] minds were inflamed and hardned. Public affairs were managed, and in my opinion were likely to be managed, in this state, in such a manner, that I thought I saw a fierce authority impending over it. Such a command, under rulers in such a temper, was a "danger" I did not chuse to encounter. My honour had been repeatedly wounded by them. They might destroy it. An error, or even a misfortune in my military capacity,

[1] Minutes of the conference of committees, held at Carpenter's Hall—Pages 36 and 41.

[2] I was chosen a member of the first assembly after the constitution was formed, and in compliance with the declared sense of the county of Philadelphia, which had done me the honour of electing me, I made the following proposal in behalf of myself and others, to the members who were met on Wednesday, the 27th. of November 1776—"We will consent to the choice of a speaker, to sit with the other members, and to pass such acts as the emergency of public affairs may require, provided, that the other members will agree to call a free convention for a full and fair representation of the freemen of Pennsylvania, to meet on or before the day of January next for the purposes of revising the constitution formed by the late convention, and making such alterations and amendments therein as shall by them be thought proper—and making such ordinances, as the circumstances of affairs may render necessary; provided, also, that no part of the said constitution be carried into execution by this assembly—and provided, that this assembly shall be dissolved before the day to be appointed for the meeting of the convention."

This proposal was rejected.—The behaviour of some persons on that day, and the disagreeable circumstance of entering into contests scarcely to be avoided with gentlemen I had for a long time esteemed, added to what had passed before, induced me to decline any further opposition to the constitution—and I retired from the assembly.

might have drawn down upon me the vengeance of those, who were sufficiently incensed and fixed in dominion to wreak it upon me with impunity, perhaps with applause to themselves. I had reason to be convinced, that it was determined to drive me into desperation and perdition. My enemies were now in full possession of power in Pennsylvania, and her former favourite was reduced to a disregarded thing, fit only to signalize their military and political sagacity, or to receive orders from lately inspired patriots, or their full-faith'd disciples. Excuse me, gentlemen, if I did not foresee that I should be treated with the justice and humanity, which they have since manifested towards me.

I could not consent to stand like a chopping-block before them, to be hack'd by their tomahawks into such shape as might gratify their capricious fancy. I resolved, in the first place, never to be accountable to such men for any military command—secondly, to seek my fortune and a kinder usage in another state—and thirdly, to serve as a volunteer in the next call of the militia of the city and neighbourhood, if it should happen before my departure.

Several unhappy events afterwards took place, that hastened the execution of the second resolution. The British army, after manœuvering some time in New Jersey, advanced to the Delaware.

On the tenth day of December, 1776, it was generally apprehended they would immediately take possession of Philadelphia. I knew that Congress would adjourn to some other place, and on the twelfth they did adjourn to Baltimore. I thought it necessary to remove my wife and child farther from town; and that it was most advisable that they should go to my farm in Kent, about eighty miles from this city. They being thus placed out of immediate danger, I should be at liberty, and my mind relieved from so much of my anxiety on their account, that I could join the militia in the manner before mentioned. In pursuance of this plan, I wrote to a relation in Philadelphia, requesting him to ride up to my house at

Fair-Hill, and attend his cousin, and the child, in their journey. He was so kind as to come up directly. The carriage was at the door, and nothing remained, but to part. A scene ensued, that may be better imagined than described.

Any person of humanity will easily conceive, what I felt in such circumstances. I yielded. The accounts received of the behaviour of the enemy, in their progress through the state of New Jersey, were so shocking and so [1] true, that I should have been guilty of inexpressible cruelty, in exposing a wife and infant to the outrages of a soldiery intoxicated with success—more especially, as the part I had taken, from the very beginning of the controversy, might have drawn distinguishing insults and injuries on those who were connected with me. I believe there was not one man in or near Philadelphia at that time, that had acted as publicly in the common cause as I had done, who did not think himself indispensably bound to remove to some place of greater security, those dear and helpless persons, who looked to him alone for care and protection, and whose danger was increased by his own conduct. I owed it to my country—to involve them in such a danger. I owed it to them—to make a reasonable provision for their safety. I made the only one which I could then devise.

We left home that afternoon, and, as I expected the direct road and the ferry between this city and Chester, would be much crowded, I passed the Schuylkill about a mile above the falls. The next day but one I reached Chester, and lodged there, where the president of Congress also staid that night, with his lady, and an infant not a fortnight old—a circumstance, that so evidently shewed the necessity of quitting the neighbourhood of Philadelphia expeditiously, even in the judgment of one of those who best knew the situation of our affairs, as sufficiently justifyed the care I was taking of my family.

On the sixteenth of December, I arrived at my house in Kent, where my tenant spared me two rooms; and I was enough employed in procuring necessaries for those I carried with me.

[1] Journals of Congress. Vol. III. page 143, &c.

[1] In the year 1777, I executed in the Delaware state, what I had intended to do in Pennsylvania. I became a private in captain Stephen Lewis's company; and in that capacity served, with my musket upon my shoulder, during the whole tour of duty performed that summer by the militia of that state, when the British army landed at the Head of Elk, and was advancing towards this city. Please to recollect that the convention of Saratoga was in the latter part of October, 1777. I served also in another manner—in riding from one place to another, to collect arms and ammunition. For my zeal[2] and diligence on those occasions, I appeal to major general Rodney and brigadier general Collins, and for my good conduct through the campaign, to those gentlemen, and to general M'Kinley, who, though not present with that part of the militia with which I served, was yet acquainted with facts; and particularly, being then president of the state, was so kind, in a letter to general Rodney, as to mention my serving as a private, after the honour I had borne, in very obliging terms.

So much pleased with my conduct was the present honorable, chief justice of this state, that as soon as the administration, devolved upon him, as speaker of the house of assembly, by the captivity of the president, and the absence of the speaker of the legislative council, he immediately, in the beginning of October, 1777, sent me a commission of brigadier general of the Delaware state, inclosed in a letter written in the warmest expressions of approbation, which I now have in my possession.

[1] *Freeman's Journal*, Wednesday, January 29, 1783.

[2] A trifling circumstance will shew my zeal at that time. While the militia lay at Christiana Bridge, the enemy then in possession of Wilmington, the fort near the ferry, and the neighbourhood, we received intelligence that some ammunition, of which we were in great want, had been left in the ferry-house, on the New Castle side of the river. I immediately went to general Rodney, and offered, if he would give me a command of 50 men, to bring off the ammunition. He declined complying with the proposal, and, if I remember right, for this reason—that, as the enemy had been in possession of Wilmington for a day or two, it was very probable they had passed the river, and secured the ammunition.—To general Rodney I appeal for the truth of this fact.

That commission I afterwards resigned, on account of some objections relating to the militia and the militia laws, which I mentioned to the gentleman, who succeeded in the government.

But—need I mention any other proofs of my behaving properly during my residence in the Delaware state, than the honours I received there.

Here, gentlemen, gratitude and concern for the public good, demand, that I take some notice of the ungenerous attempt to injure the dignity of a sovereign state, the ally of the greatest king in the world, for the poor purpose of hurting me.

Examine the conduct of that state, and you will find that it has been, throughout the war, as steady in the common cause as any other.—That it was exemplarily punctual in furnishing its quota of men and money, until particular circumstances, well known to you, and for which Congress themselves, I believe make proper allowances, would not permit its exertions to correspond with its inclinations—and still, its exertions are upon a par at least with those of some other states. The prudence, vigour and integrity of its measures, you may judge of by these two instances. Early in February, 1781, the Delaware state took the bold singular step, of sinking its whole quota of continental money by taxes in one year, and accordingly paid the quota into the continental treasury, with a considerable overplus, to provide for allowances that might be made by Congress to any of the southern states. By this single decisive operation, that state avoided all the embarrassments and expences which other states incurred by calling for the new money, founded on the resolutions of Congress in March, 1780, and exchanging it at great loss for the old—got rid totally of paper currency—and, at the session of the legislature in May following, declared, by act of assembly, gold and silver at their usual prices, therein ascertained, to be the "lawful money" of the state.

The Delaware state was also the first of the union, I believe, that introduced order into that chaos of politics and morals, in which strength and weakness, safety and ruin, virtue and

iniquity, strangely met together, and wrought in wild conjunction—by stopping the rage of tender laws, and instituting equitable modes of adjusting, in all cases, the confusions that had been occasioned.

Yet it has been published to the world, by some of your writers, that the state is generally disaffected, or, as others express it, that two of the three counties of which it consists, are disaffected.

Such authors are deceived, or mean to deceive. There are disaffected persons in the state; and so there is in every state. But a majority of the people are well affected; and the powers of legislation are now, and have been for several years, in the hands of as firm and determined friends to the independence of America, as any upon this continent. The former leaders of the disaffected have been expelled the state; and those who remain are in general a poor ignorant sett, and, in a political consideration, totally contemptible.

New Castle county, I understand, is graciously admitted to be a well affected county, because it bravely opposed the British army in its passage through it. So it is—and so it has proved itself, not only by that gallant act, but by every other part of its conduct. But, unluckily for my detractors, all my honours in the Delaware state originated from New Castle county. Honours, thus derived, are, by their own consession, honours indeed. The members of that much esteemed county, though I have never yet had the happiness of residing in it, proposed me as a delegate to Congress in 1779, and I was chosen by every vote of both branches of the legislature. After serving in Congress, that county, in 1780, elected me a councillor; and that same year nominated me for president, to which office I was raised unanimously by the two houses, in a full session.

How I behaved in that station—Whether I approved myself firmly attached to the true interests of the United States in general, and of that state in particular—Whether my measures inclined to the support of the active friends to our liberties—

Whether I preferred the welfare of the republic to every other consideration—or, whether I regarded my own emoluments, rather than more generous considerations—are questions, which, if your writers desire to have answered, I should be glad, if they would be so obliging as to apply to the people of the state.

Perhaps some of them are displeased at my accepting the office I hold in this state. I am under too many obligations, not heartily to forgive any expressions of such displeasure, which they will use—and they will pardon me, when they consider how earnestly I entreated to be excused from taking the presidency of that state, that I served a year, and that I could not avoid, without involving myself in exceedingly disagreeable circumstances, taking the presidency here.

There is another reflection, gentlemen, connected with this charge against the Delaware state, which is of too serious a nature to be passed over in silence. That state is a member of the union, and, though a small one, yet, from its situation, is of importance to the union. Do you think that your writers discover a proper respect for the common weal, when they represent in the newspapers, and in strong terms, that two thirds of that state, and all those in this who differ from you in some of their sentiments, that is, a majority of this, are devoted to our enemies, are willing to renounce our independence, and desirous to return to the former subjection under Great Britain? Is not this confirming, as much as they can confirm, the oft-told tales, that have, with such an odd vicissitude, enlightened and bewildered the house of commons and the British cabinet? Is not this attempting to realize the ignis fatuus, which their generals, chasing on northern mountains and on southern plains, have always found to elude their pursuit, till at last, tired with their wanderings, they have been content, instead of the flying meteor, to catch—captivity.

If the house of commons and the British cabinet so far believe such writers, as to be encouraged to continue this iniquitous war one year longer, or even to continue it so long

as to occasion the death of one fellow citizen more, than would otherwise fall, what will such writers deserve? And it may be presumed, that they would think it rudeness to suppose they are not worthy of credit. If these men can distract the affairs of this state, or persuade our enemies that they are distracted, is it not worth considering, whom they mean thereby to serve? and whether they are not inviting the war into the bowels of Pennsylvania?

Before I conclude this part of my address, permit me, gentlemen, to ask, what is your opinion of that gallant, experienced veteran, major general John Armstrong, or of that worthy, brave officer, major general James Irvine? If you will allow me to answer, I will say, it is very high—for their merits appear to me to be universally acknowledged.

The former was appointed a brigadier general by Congress, March 1, 1776, before generals lord Stirling, Mifflin, St. Clair, and Stephen. The 19th. of February, 1777, these four last mentioned gentlemen were elected major generals. The 4th. of April following, General Armstrong resigned his commission, and on account of these promotions. He remained, I think, without any military employment, until his country called him into an elevated rank.

General Irvine was appointed a lieutenant colonel by Congress, November 25, 1775. July 29, 1776, major Wood was appointed a lieutenant colonel. September 7, 1776, lieutenant colonel Wood was appointed a colonel. Later in the fall of that year, lieutenant colonel Irvine was appointed a colonel, and, after trying to obtain a brevet of precedence from Congress, and not succeeding, he resigned in June, 1777. He remained, I believe, without any military employment, until his country called him into an elevated rank.

The affairs of America were *then* in an infirm state, and it was known that the British general and admiral meditated an invasion of Pennsylvania with a powerful army and fleet. Yet I have never understood, that either of those gentlemen was charged with "faultering on the approach of danger," or in the

least censured by you, or others, for his resignation, or for continuing without military employment, until they were promoted to their honourable and deserved commands of the militia.

Why then was it so criminal and shameful in *me* to resign? What are the distinguished circumstances that acquit them with the honour due to them, and that condemn me to guilt and infamy? *They* will pardon me, I am sure, for venturing, in refutation of this cruel attack, to form some kind of comparison between their cases and mine, and endeavouring to shelter my hunted fame under the cover of their unblemished characters. I select them from a number of instances, because they are so well known, and so much esteemed in Pennsylvania.

They both resigned BEFORE the treaty with France, and BEFORE the convention of Saratoga. *Here* our cases are alike. *They* remained, I believe, after their resignations, unemployed in a military line, till their appointments to be generals. In the critical campaign of 1777, I bore my musket as a *private*. *This*, I hope does not make against me. I had been a member of Congress from the beginning of the controversy—entrusted again and again by that assembly with their most important affairs—and I had the command of the whole militia of Pennsylvania from its establishment—though, indeed, with the title only of first colonel. *These circumstances*, I apprehend, will justify me in an attention to honor, as much as the *rank* of those gentlemen. The promotions over *them* were made in the regular mode of proceeding, by the representative sovereignty of the United States, under whom they served. The promotion over *me* was made in a manner that has never since been adopted, and by persons under whom I did not serve. *This*, I trust, will not operate against me. The members of Congress were not *their* enemies. Those who then reigned in Pennsylvania *mine*. *This* seems to incline the scale in my favour. *They* were, indeed, officers of regular troops—I, 'tis true, commanded militia—but still our cases run parallel, unless my accusers will say, that honour ought not to be as much

regarded by militia officers as by regular officers—which they will hardly say. *They* resigned at the first slight put upon them. I bore a *first*, and a *second*—and did not resign until the *third*. This surely will not be to my disadvantage. Whether *either* of these gentlemen was in *actual service*, in the rank they then respectively held, after the promotions they disapproved, and after application for redress had been unsuccessful, I do not know—*I was in actual service*—in the only rank left me—for weeks after the first and second injuries done to me, "in the face of the enemy"—and in "great danger," as the [1] Convention that confirmed the brigadiers *over me*, and that turned *me out of* Congress, have unguardedly left upon record—

Permit me also to ask, gentlemen, what is your opinion of the officers of our line, not at present in camp, who were pleased to confer upon me the distinguished favour of the address, that has been lately published? Don't you think, that *they* may be admitted as good judges of honour? Don't you believe, that they would rather have perished, than have stained their well-earned laurels, by addressing me as they have done, if they were not convinced that my conduct was justifiable in the judgment of men of honour?

Your opinion is surely favourable to the army, and to those gentlemen, who are so respectable a part of it. Their merits, you *must* acknowledge. For—their labours gave you ease—their wounds gave you safety—their poverty gave, not a few of you, wealth, and all of you, conveniences—and their valour gave you that quiet which some of you employ, so much to the advantage and reputation of your country,——in abusing me.

[2] The fourth charge brought against me is, That I injured, or endeavoured to injure the continental money, particularly, by writing a letter to my brother.

This charge I totally deny. In my journey to Kent, I left Chester the thirteenth of December, and lay that night at

[1] Minutes of the convention, page 66.

[2] *Freeman's Journal*, Wednesday, February 5, 1783.

New-Castle. The next morning just before I set out, I wrote a note to my brother, and sent it to Philadelphia, to be forwarded to him. It was there given to his black servant, who, being told he must get a pass, applied to the council of safety for one, to go to his master. They understanding he had a letter from me, demanded it—broke it open—sent the servant to goal, where he was kept two nights—and my new house, then lately finished, and in which I had not lived, was turned a hospital. The letter was in these words.

"Receive no more continental money on your bonds and mortgages—The British troops have conquered the Jerseys, and your being in camp, are sufficient reasons—Be sure you remember this—It will end better for you." Sealed and directed thus—"To Brigadier General Philemon Dickinson, at the American camp."

In order to judge of this advice, the circumstances that were known to me, and the motives that induced me to think it proper, should be taken into consideration.

I had before my eyes a number of facts, threatning immediate ruin to a brother. His dwelling house and landed estate were in that part of the country actually possessed by the British army: and he had let out money to persons residing in that part. I had seen a letter from him, in which he said, "he expected to suffer several thousand pounds damage by this event." A New Jersey gentleman of the first distinction, whose name I mentioned to the council of safety, had told me at Chester, the day before I wrote the letter, that he lodged one night at Bristol, in which place and its neighbourhood our army then was, and that the houses were so crouded, and things in such confusion; that next morning almost every gentleman had lost his money, watch, hat, or some other article. My brother was then in a small army, retreating before a larger and victorious one. He was necessarily detained in the camp being the first brigadier general of the Jersey troops then with the army. His family were driven from home. First flying to Philadelphia, they were quickly obliged to take

refuge in Maryland, at a great distance from him. He had but one servant with him, and an improper one to be trusted with money. Were these circumstances to receive money in —when he had no way of securing it, and the moment after receiving it he might be called into action?

But, why did I mention "continental money" only? For these reasons—that debts were then paid in no other—and that his debtors resided in that part of New Jersey, of which the British were then possessed in force, where consequently that money would sink in value, and debtors who had submitted to the enemy, and renounced the American cause, might have crossed the river, on the banks of which he then was, and but a few miles from them, to pay off their debts with it, to a man who was risking his life in support of that cause. Indubitable it is, that in my letter I alluded to Jersey debtors only, where I knew he had let out money "on bonds and mortgages;" because I mentioned "the British troops having conquered the Jerseys," and because his other debtors resided in Kent county on Delaware, above an hundred miles from him, and there was not the least likelihood that any of them would take so long a journey at such a season of the year, and venture with sums of money into a camp, in the face of an enemy, and in such a situation of affairs as then existed.

These were solid reasons then, that would have justified my brothers refusal of continental money at that time: reasons, that were not applicable to people in general, and therefore exempted him out of the common obligation to receive it—His being in camp, so as to be prevented from securing it—The indisputable superiority of the enemy, which was momentarily expected to be exerted against our army—the confusion and danger from some of our own people.

Why did the council of safety, by opening the letter, compel me to mention any other reason? Little did they know me, if they supposed that I could be induced, by the difficulties to which they subjected me, to swerve one tittle from the truth. Some men wished the public to believe, that I apprehended,

when I wrote the letter, a great depreciation of the continental money—and that this apprehension was the sole cause of my writing it. I might have submitted to this construction, without detracting from my character either in respect to prudence or integrity. But, it was not the fact. I acknowledged that I did apprehend such a depreciation; and that this apprehension had weight with me, in inducing me to write the letter. But I totally denied, and still deny, that this consideration would have moved me to write, if my brother had not been in so uncommon a situation as he then was.

By the very words of the letter, the caution is temporary, and limited to the case therein stated. If continental money had been offered to him in that case, he might have refused it, for reasons that would not have injured it.—On the other hand, if I had meant that he should refuse continental money generally, I should have given him advice, that might not only have injured the money, but his reputation also.

Can any of you, gentlemen, be so prejudiced, as to think I would ever give him such advice? Don't you believe the letter was dictated by brotherly affection? Could he have adopted such advice, without the affair being discovered, and without drawing of course the public indignation upon him? And is it credible that I should have consented to involve him in such a misfortune? Would this have been to "end the better for him?" If I had been capable of advising him to a dishonourable act, it surely would have been an act for the safety of his person, at that instant exposed to most imminent danger. Why then did I not advise him to resign his commission, and retire? The reason is obvious. I must have thought it, in his situation, dishonourable. I must have chosen—that he should have lost his life, rather than his character. Yet—my enemies would persuade the world, that I designedly advised my brother to a dishonourable action, that could not be concealed—in order to save a part of his estate—that is, that I was so stupid and so base, as to prefer the security of some of his property to his reputation.

In truth, I meant this, and no more—that my brother should decline receiving continental money, while he continued with so much hazard in camp, alluding particularly to his Jersey debtors; being assured in my own mind, that such a conduct, under such circumstances, would not tend either to the injury of that currency or of his reputation—And many of you, gentlemen, I am convinced, will give me credit for this faithful adherence to the welfare of my country, in thus carefully and cautiously limiting my advice, at a time when I really apprehended a depreciation of continental money. You will see other proofs of such an adherence, before I finish this address, that I hope will satisfy you all.

If any injury was done to the continental money by opening the letter I am not to blame. I mean not to reflect on the council of safety. Several of that body, who were then heated by the artifices that were practised, and entertained unfavourable sentiments of me, I am persuaded are now my firm friends. If any who were of the council still continue my enemies, I forgive them. It is as certain the money was not injured by opening the letter, as it is, that I did not endeavour to injure it. It would be an insult on your understandings, to suppose you ignorant of the true causes of the depreciation of that money.

Allow me, however, to trace the consequences that would have followed, if the letter had reached my brother, as I intended.—In the first place, it was not binding upon him—it concerned his affairs—it related to no interest of my own—it was only advice from a brother to a brother—his judgment was to pass upon it—perhaps no such money might have been offered him—or, if it was, he might have thought proper to receive it—Why were not his honor and discretion to be confided in? Are not his fidelity and meritorious services to his country universally acknowledged? If offered and refused, the foregoing reasons were sufficient to justify him. In short, let the letter be supposed to have operated in any imaginable manner, according to its plain meaning, after coming to his

hands, and it is easy to perceive that the credit of the continental money could not thereby have been drawn into question. My accusers have sense enough to understand these observations, and to feel their force: But, luckily for them, and unluckily to be sure for me, one circumstance appears against me—"There seems to be a consciousness that I was writing something blameable, from the letter not being signed."

It was a common way of writing to my brother. The writing proved the writer. In the present case, it could not possibly be my intention to conceal my being the author from any persons in Pennsylvania, if the letter should get into their possession; for any one, acquainted with my writing, would know, on seeing the letter, that it was written by me, as well as if my name was subscribed to it. Indeed—I never expected it to fall into the hands of my Pennsylvania enemies—that was a strange event—much more probable was it, considering to what place it was addressed, that it would have fallen into the hands of my British enemies; and a very little reflection will shew how improper it was, that a letter thus exposed should be signed with my name.

You must remember, gentlemen, how I was treated.[1]

[1] When my letter was opened by the council of safety, I was in Kent. Upon hearing of their proceedings, I repaired to Philadelphia, went to the council, and demanded a public hearing. This I did not obtain. The letter being produced at the board, I instantly acknowledged it, and declared, that I would justify it. I mentioned to them most, if not all the circumstances, related in this part of my address, and required, that "they should declare as the sense of their board, that I was clear from all suspicion of intentions unfriendly to the cause of America, and that they would publish to the world, what they said to me in excuse for opening the letter, sending the servant to jail, and turning my house into a hospital."

This declaration was not made; and I was called, by a particular accident, to return to Kent, from which place I wrote to them, again requesting the declaration. The following part of that letter, I hope, I shall be pardoned for publishing, when such severe reproaches have been cast upon me.

"You may observe that I have not required any reparation from you for the damages, great as they are, you have done and are now doing to my property. Had it been necessary, I would cheerfully have opened my best house, and the best rooms in it, for the reception, and have cut down my best woods for the relief of such unhappy people as I have lately seen. But as fellow citizens you ought to

The letter was kept out of sight. Part, but not the whole, was published. The limitations prescribed in it were concealed —But, it was said that I had advised my brother to refuse continental money generally—to throw up his commission—to join the enemy—that I was trying to pass the Delaware for that purpose, and that I had refused continental money. I have been informed by an officer of distinction that these stories reached the camp—

have regarded me as one of the last persons, on whom in equity such heavy contributions should be levied with indignity, by force: it having been my constant practice, during the whole course of my life, from the time I was first vested with a public character in Pennsylvania, to this day, specifically to give to public uses every sum of money as it became due to me, either as a member of assembly, a delegate in Congress, or an officer of the militia, except (a) £121.8.6, as may appear by tracing the applications of the monies on the assignments in the several offices. Nor can the sum above particularized be said to remain in my hands, if other sums given by me to public uses should be taken into the account, without reckoning what I have spent in the public service.

"Another instance of the disinterestedness and singleness of heart with which I have endeavoured to serve my country is, that I never did, directly or indirectly, in the whole course of my life, ask or sollicit any post of profit for myself; and in the beginning of the last month, upon some reflection being made by a member of the meeting held in the State House, on the designs of those who opposed a majority of that body, I publicly declared to them, that in whatever manner the government should be regulated I (b) never would bear any office in it.

(a) This sum happened to remain in my hands in the following manner. A worthy person who wanted his money, called upon me with a large account. I had been disappointed in receiving cash, and in part of payment I assigned to him a certificate for £107. The other case was this. Having applied much the greatest part of my pay as colonel, by drawing an order in camp at Elizabeth Town, for a public use, well known to the officers of the first battalion, I never called for the residue. One day colonel Chevalier told me, he had received for me on that account £14 18 6, or some such sum. I told him I did not intend to draw for it; but now it was paid, I should be obliged to him if he would be so kind as to pay it to the overseers of the poor for the Northern Liberties, to be distributed among poor families in that township. He replied, that he supposed I meant families that were not chargeable to the township, and as that care did not relate to the office of overseers, perhaps they would think it too troublesome. I told him, I did mean such families, and, for the reason he had mentioned he might pay the money to me at any time that would be most convenient to him. He soon after sent it to me, not many days before I left home. This sum has been since applied to the use of the poor.

(b) This was my determination, having resolved to leave the state. In refusing to act under the present constitution at that time, I obeyed the instructions of the county of Philadelphia: By acting under it now, I obey the commands, which in a remarkable manner, and with an affection that does me honour, that same county has been pleased to give me. I declined the call into public office in this state for some time; but at last it grew so strong and respectable, that I should have incurred a kind of criminality, if I had been disobedient to it.

The rest of the charges you already know to be false. As to the last, my conduct has been so singularly exact, that I hope, cruelly attacked as I have been, you will excuse me for being particular in my answer.

That money—when all my apprehensions were verified—issuing forth as an infection—leading like death weeping widows and orphans after it—while patriotism itself shuddered at its success—and freedom scarcely could compensate for its injustice—I never refused.

Let the clippers and counterfeiters of truth come out of the holes, in which with conscious guilt they hide themselves to work, and produce the person, who will say that I ever denied or delayed to receive that money when offered to me, in any stage of its depreciation.

Not two hours before I left my home at Fair Hill, and not

"Being now scarcely able to hold my pen, I shall conclude, with requesting, that these circumstances may be seriously considered by you as additional evidence of the habitual purity of my intentions towards my country, and may, with those I have already personally offered, persuade you to desist from your (*c*) perseverance in an attempt to render me an object of public hatred and tumultuary violence, and thereby prevent any (*d*) further trouble to yourself, or to

"Your injured humble servant,

"JOHN DICKINSON.

"KENT, January 21, 1777."

(*c*) I have been informed by a member of the council of safety, that though they sent a copy of my letter to the commander in chief, he never took any notice of it in his correspondence with the council. As it has been reported that the commander in chief wrote a letter to Congress, lamenting my defection from the American cause, I beg leave to say, that if his excellency had written such a letter, it should naturally have been attributed to the information received in camp concerning my conduct and designs, the substance of which information is mentioned in the Address. Whether, under these impressions, he wrote any private letter mentioning me, I know not—But I esteem myself warranted, on proper enquiry, in saying that his excellency never did write such a letter to Congress.

(*d*) This alludes to my intention, at that time, of addressing the public, as may appear by this other extract from my letter of January 21, 1777, to the council of safety.

"Do not believe, that I thus address you, because I fear and appeal to the public on the conduct of so formidable a body as you are. You might easily perceive when I saw you, that, confiding in my innocence, I defy your power, and if any of you bear me malice, I would have you assuredly to know, I defy that.

"I am certain, that no act of your board can so entirely vindicate me to the world, as a full detail of the whole affair. This advantage I am willing to wave; and would readily consent to suffer something, though in my just defence, of touching upon points I wish to avoid, or even of diminishing that respect, whatever it is, that is at this time annexed to you."

four days before I wrote the letter to my brother, I received fifty pounds in continental money from Mr. John Nice, of the Northern Liberties. Having appointed the tenth of December to receive upwards of three hundred pounds of that money from Samuel Hudson, of this city, on that day I left my house. That night I was obliged, by the badness of the roads, to stop and lodge at Mr. Norris's, where I found Col. Coats, who was to return early the next morning to town. I mentioned to him this circumstance, and desired he would be so kind as to inform Mr. Hudson, when he should see him, that I would receive that money from him at any time, whatever might happen. The colonel promised me, "that he would make it his business to see Mr. Hudson immediately on his return to town, and tell him what I said." He did so. Mr. Hudson was perfectly satisfied, and the next time I saw him, which was in the following spring, I received the money. I refer for proofs to witnesses, with whom I have no manner of connection.

So unexceptionable, so remarkable, and even zealous has been my conduct with respect to continental money, at that very moment too, when it was thought to be in the greatest danger. I persevered in this conduct, and have suffered accordingly. Let the most patriotic among you bring before the public, an instance of such diligence to receive a large sum of continental money, at that time. Then, let him rail —but, till then, don't you think, gentlemen, he ought to be silent?

Facts are commonly called stubborn things. So they are. My behaviour with regard to continental money, where my own interest was concerned, is the best comment on my advice to my brother about it. If I was so constant to the cause of America, in that gloomy period, as to be thus industrious and exemplary in receiving continental money, it must have been with a desire and design to support its credit, whatever my private losses might be by that constancy. Is it to be believed, then, that I would give any advice to my brother that could possibly injure its credit?

[1] I have now, gentlemen, laid before you an account of those actions, for which such torrents of reproaches have been poured upon me—Reproaches, not to be equalled but by those British and West Indian invectives, with which some years ago the press laboured against me, for having asserted and maintained your rights and liberties. The worth of the foreign articles has been long since settled; and the value of the home-made manufactures is, I believe, by this time, as well ascertained.

I have called the late attacks upon me "unprovoked" and were they not entirely so? What act of government have I done here or in the Delaware state, that can in the faintest manner countenance a notion that my present share of power will be dangerous or even injurious? I defy all my enemies united to produce a single instance of this kind.

Which would you chuse, gentlemen, that the power I have, should be well used or ill used? The former, to be sure. Then help me. Be my associates—I ask, I entreat your aid—I invite you to give me your advice freely and fully. You can do it, either personally, or by letter. The first will honour me. Either will oblige me. I shall receive it, not only cheerfully, but gratefully. Tell me, what I ought to do, and what to leave undone; and even delineate the most expedient manner of conducting affairs. The best way to promote the interest of the republic, is to prevent my errors; not to arraign them when committed. Don't lie in ambush, to start out upon my frailties when they appear, to whoop and rejoice over them. That would be a miserable amusement indeed! unworthy the abilities and virtues of many among you—I am sensible of my own weakness, and shall be glad to avail myself of those abilities and those virtues, for preventing any disadvantage from it to you or my other fellow citizens.

I will only add upon this point—that, I am acting a very small and a very short part in the drama of human affairs. I wish to do right; and to give satisfaction. The opinions of

[1] *Freeman's Journal*, Wednesday, Feb. 12, 1783.

men are fallible, and sometimes unjust. There is one supreme judge who cannot err; and when I endeavour, that my defects may not, for want of integrity, be displeasing in his sight, I would have you gentlemen, assuredly to know, that, notwithstanding my sincere desire to please you, I shall little trouble myself how your applauses or your censures are bestowed.

Were not the attacks before mentioned "unprovoked" in another respect. Is there a man among you, whom I have offended by a disrespectful word or action? Not one. Is there a man among you, but with whom, if known, I have an intercourse of civilities? Not one. Is there a man among you, that I should not be glad to serve? Not one. Are not such circumstances, in such times, tokens of a temper that detests quarrels? And may not this conclusion be fairly deduced from them, that such a temper sincerely laments the necessity imposed of refuting, in proper and too much deserved language misrepresentations, however extravagant and dangerous.

More pleasing beyond comparison will be the employment to me, of applying all my thoughts and labours to promote, as much as I am able, the welfare of you and the rest of my fellow citizens. This testimony of my affection for you all I wish to give. I ardently desire that we may live together, under the true principles of society, equal liberty and impartial justice, happy, and generously contributing to render each other happy. Great are the advantages—glorious are the prospects of Pennsylvania, if this be our noble resolution: And this will be our resolution, if we have any wisdom, or any goodness.

The influences of these principles descend like the rains and dews of heaven upon the land, and spring forth in a vegetation of blessings, nourishing and cheering the bodies and souls of mortals—or glide thro' it like gentle rivers "visiting and making glad" our cities, fields, and woods. To these "living waters" poor and rich have by the patent of nature the same

title. Let us strive to secure these gifts of our most bountiful creator, against the usual and dangerous invasions of ambition and avarice. Let us guard against those who are out of power and against those who are in power.

If there are men, who have such an eagerness for ruling, and at the same time such a left handed method of managing, that they cannot do even a good thing, but in a bad way—who think, that they are ruined, if they cannot ruin others—that authority is never well exercised, unless it be exercised by them—that worth is totally despised by their fellow citizens, unless their fellow citizens will tamely submit to be taxed up to a full satisfaction of the over-weening craving conceits which they formed of their own merits—these are men who would defeat the hopes of the innocent, and lay waste the labours of the diligent—these are men, who would lord it over the industrious farmers and ingenious tradesmen, the justly celebrated strength and ornament of our commonwealth, and yet would never think themselves enough paid for this lording —these are men, who would break the close, civil relationship between the mercantile interest and the other members of the community, and at an enlightened period, when almost all the rest of the human race are discovering with rapture, and soliciting with ardor, the mild and immense benefits of trade, now become of so much moment to the fate of empires, would check the most useful improvements of commerce, or give it laws that might as well be given to its winds and tides—these are men, who would distract everything, confound the ease, security and welfare of individuals, and pervert all the sacred ends of government to their own selfish ends. If there are such men, let us take care of them.

Let us also take care of every man in office, and keep watchful eyes upon him. We should be better served, if this vigilance was more general. Let his behaviour be publicly and privately canvassed. It is the tenure of his office; but let this be done with decency, not so much for his sake, as for the sake of ourselves and of our country. Let us demonstrate

that we mean the common weal, and not the gratification of ill nature. The public is interested in its servants. They may be said to belong to the public. No virtues, no services should exempt them from such scrutinies. It is not only the right, it is the duty of the public to make them. Liberty has been so generally suppressed through the earth by a disuse of this right—by a neglect of this duty; and those who have been guilty of the impious presumption and carelessness, have not only debased themselves, as perhaps they deserved, but have also betrayed their posterity. We have not yet arrived, it is true, at that eminence from which society so frequently descends with rapidity to the depths below. Therefore, such fatal effects may not be expected from our inattention. But we may be assured, that if we fall into it, we shall feel mischiefs sufficient to convince us, how stupid and criminal it is.

Five and twenty years ago, I began my walk of public business in Pennsylvania, with asserting and defending this inestimable maxim; and for much the greatest part of those years have practised upon it, by a continued course of faithful and laborious service in the cause of American freedom. If my life has now reached its extremest verge, I cheerfully consent to take my last leave of my beloved countrymen, by solemnly repeating the guardian truth to them from that station, advantageous at least perhaps for this purpose, which they have been pleased to assign me.

Let us not credulously listen to tales of treachery against men, who have disinterestedly persevered in an opposition to our enemies. Such men must act from principle. The miserable condition of those who have already deserted us, is well known. Common sense, therefore, forbids the mad enterprise. Virtue forbids it more powerfully. The sovereignty of the United States, purchased by so much blood and so many calamities, has been acknowledged and fought for by other nations. Their honor, their safety, their prosperity, are all bound up in their independence. To renounce that, would be to renounce them all. It would be to renounce the esteem

and admiration of mankind—and to attain at once, by an uncommon vigour of folly and baseness, the singular distinction of being equally despicable and detestable. It would surrender the liberties of America prisoners at discretion to Great Britain, and would proscribe all aid and hope of aid from other kingdoms and states, in a future resistance against her oppressors.

If any man could possibly be in a situation, that either by force or fraud he could have a chance of re-establishing the former domination over us, and should he be wicked enough to make the attempt, he must inevitably involve his country in greater misfortunes than she has yet experienced, himself in perpetual infamy in this world, and a just punishment in that to come. He would sin not only against the living, but, if it even can be done, against the dead also.

After the slaughter of so many patriots—After the deaths of a Warren—a [1] Montgomery—a Mercer—a Wooster—a Nash —a Harkemer—a de Kalb—and of a Hayne—whom the peculiar circumstances of his case—his own eminent worth—petitioning beauty and virtue—the streaming tears and humble heaven taught prayers of his helpless, half-orphan'd children, supplicating with artless agony, on their little, bended knees for a fathers life ——————— could not save ———————
After so many brave soldiers, fixed frozen together in cold churches—and so many daring seamen, melted into putrid masses, in the stifling "black holes" of prison ships, each of their honest, dying hearts, in these circles of misery, still true to his country's cause—After the countless massacres committed on trembling old age, tender womanhood, and lisping

[1] It is impossible for me to mention the death of this general, without recollecting that of my much esteemed friend major John Macpherson, slain at Quebec, at the same moment, if not by the same ball that bereaved America of her lamented Montgomery. This gallant young gentleman, in whom youth and prudence, gentleness and bravery were united, with all the promises of a great and useful character, being slightly wounded a day or two before he was killed, turned to his general, and said with a smile—"I hope, general, it will be remembered, that I lost some blood before the walls of Quebec."

infancy—and after[1] ——————————————
to suffer subjection on any terms whatever to the authors of such woes, would ensure to America that certain earnest of every other wretchedness—their contempt.

With great respect,
Gentlemen, I am,
Your very humble servant,
JOHN DICKINSON.

APPENDIX VI.—(*Page 222.*)

FROM THE SPARKS MANUSCRIPTS IN HARVARD COLLEGE LIBRARY —DICKINSON'S DRAFT OF INSTRUCTIONS TO COMMISSIONERS, JULY 22, 1779. *Endorsed.* [Apparently not adopted.]

ENCLOSED you will receive a Commission appointing you Minister plenipotentiary for treating with Great Britain, together with several resolutions of Congress on that subject.

This Treaty, we have reason to believe, will be managed under the Mediation of his most Catholic Majesty [King of Spain]. Immediately on the Receipt hereof, you are to apply to his most Christian Majesty [King of France], desiring, he will be pleased expressly to guaranty to these States the Exercise of the Right of fishing on the Banks of Newfoundland and other the fishing Banks and in the seas of North America, at a reasonable Distance to be ascertained in the guaranty, from the Coasts of the Territories that shall remain to Great Britain at the Conclusion of the War, preserving inviolate the treaties of Paris between his Majesty and these States.

You are to assign as Reason of this Request, the very great anxiety of the people of these States to have those fisheries assured to them more plainly than they appear to be by the Treaties above mentioned—the Dependance of many of them

[1] Modesty and humanity would be too much wounded by compleating this catalogue of crimes. Journals of Congress, Vol. iii. page 145.

thereon for their subsistance—the Difficulties to be apprehended, if the Minds of the Inhabitants cannot be in some manner quieted on this point—the Confidence reposed in his Majesty's Magnanimity and in his Disposition to promote every Measure essentially necessary for the Happiness of these States.

Whatever may be the effect of this application you are to

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declare, that you are ready to treat with Great Britain on her Directly Acknowledging in good Faith and Form the Liberty, Sovereignty and Independance absolute and unlimited of these States as well in matters of Government as of Commerce.

If this acknowledgement cannot by any Means be obtained, and you find it absolutely necessary to admit some *mezzo-termine*, you may propose this mode of expression, that "the King of Great Britain agrees to treat with the people of New Hampshire, Massachusetts Bay, Rhode Island and Providence plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, as free and independant States whose Sovereignty is absolute and unlimited as well in Matters of Government as of Commerce;" and from insisting on this Mode of Expression you are in no Manner to recede, unless it be to admit some other more strong and positive in favor of the Freedom Sovereignty and Independance of these States.

If the Treaty proceeds on the former or on this footing, you are then to insist on the Form of Acknowledgement that shall be adopted being inserted in the Treaty, on the Limits of these States being ascertained according to the first of the inclosed Resolutions, an immediate evacuation of all places within those Limits by all the British land and naval Forces, the full Enjoyment thereof by these States, a Release of all Prisoners without Ransom and from these points you are in no Manner to recede. You may also insert such other articles as are usual in mere Treaties of peace, of which kind we will send you some precedents, if it shall be thought necessary.

You are to observe that you are not to propose the last

mentioned Mode of Expression, unless you are perfectly assured, that no treaty with Great Britain can be had but by admitting some such Mode, and unless the French and Spanish Courts shall solemnly declare their sense of the treaty of Alliance in 1778 to be, that France is not thereby bound to contend for one more strong and positive in favor of these States—and France will not agree to contend for such an one —and unless you are convinced, that both those Courts will be highly disgusted by your refusing to admit some such Mode, as before mentioned.

In proceeding, you are to take especial Care not only that the powers of the British Minister, or Ministers are sufficiently full, but that the Credentials for treating with the States are done and expedited substantially in the manner usually practised by Great Britain in treating with other Sovereign powers in Europe, and that nothing is contained therein derogating from or in any Manner denying the Freedom Sovereignty and Independance of these States absolute and unlimited as well in Matters of Government as of Commerce.

You are to endeavor by all means to procure the Treaty of peace to be signed and ratified by Great Britain, before you proceed to the treaty of Commerce. If the British Minister shall positively decline the former, unless the Terms of the latter be in some Degree previously determined, and this cannot be avoided, you are to declare, that immediately after the Treaty of Peace shall be signed, and ratified on the part of Great Britain you will sign a Treaty of Commerce on just and reasonable Terms.

If an Explanation of these words be urged, you may declare that you are not authorized to say anything more on the subject, till the treaty of peace shall be signed and ratified as aforesaid—that when that shall be done, the Respect due to the exalted Dignity and undoubted Equity of the mediating power, a Regard for the Honor of the United States, together with the earnest Desire they feel of demonstrating to the whole world on this signal occasion that Moderation of

Temper by which to be always distinguished, will forbid them to advance propositions inconsistent with the Sentiments impressed by the foregoing consideration, besides, that a proper attention to the well known advantages to be expected from the British Friendship and Commerce, would prevent them from insisting on any points that might justly cause an obstruction to their receiving those advantages.

If the British Minister shall utterly refuse to sign the Treaty of peace and to procure its Ratification aforesaid without a further explanation of the Treaty of Commerce, you are with equal firmness to refuse such Explanation, and you may alledge, that the two Treaties are distinct in their nature—that the one is founded on the Maxims of Religion and Humanity and calculated for putting an end to the Effusion of Christian Blood and to the Calamities of War—the other founded on the Motive of Gain—that to refuse an assent to the first, unless the Measure of the latter be previously ascertained, would be to sacrifice the noblest principles of conduct to Views of a far inferior value—that the Method proposed by you is not unsupported by precedents—but to mention no more, that the Treaty of Commerce between Spain and the United provinces was not brought to a Conclusion till a considerable time after the Treaty of peace at Munster.

If the Explanation shall be still insisted on by Great Britain, and you find Reason to be convinced that the Treaty of peace will fail on your withholding it, you are to endeavor in the most prudent manner you can devise to discover the Conditions on which she will consent to a Treaty of Commerce, particularly, whether she will agree to insert an article in it, not to disturb the inhabitants of these States in the Exercise of the Fisheries on the Banks of Newfoundland and others the fishing Banks and in the Seas of North America, with a reciprocal one on the part of those States, limiting a reasonable Distance, if required by her, within which neither party shall in the Exercise of such Fisheries approach the Coasts of the other whether of the Continent or Islands.

If you can be entirely assured, that Great Britain will agree to insert such an Article, then, you may proceed to an Explanation of the Terms on which you will sign a Treaty of Commerce—the Basis thereof to be an Equality and Reciprocity of Benefits—preserving inviolate the Treaties of Paris in 1778—and taking Care that the said Distance be so limited, as not to be less than about three Leagues, nor greater than about fifteen Leagues.

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If the insertion of the article aforesaid cannot be obtained, you are then to propose this mode of Expression "that Commerce shall in every Respect be restored to the same State in which it was before the War, excepting every Exclusion, Restriction and Regulation prior to the Treaty in preference of Great Britain to any other Nation now in or that hereafter shall be in amity with these States, or in any Manner or by any Construction implying a Dependance or Subordination of the States on or to Great Britain or the Crown thereof—and from this Mode of Expression you are in no manner to deviate unless it be to admit some other more strong and positive in favor of these States.

But you are to observe that you are not to propose this Mode of Expression unless the French and Spanish Courts shall solemnly declare their sense of the Treaty of Alliance in 1778 to be, that France is not thereby bound to contend for one more strong and positive in favor of these States—and France will not agree to contend for such an one—and unless you are convinced, that both those Courts will be offended by your refusing to admit some such Mode as is before mentioned.

If this Mode or one more favorable to these States is admitted, yet if it amounts not to the express stipulation aforesaid, you are if possible to procure the Delivery to you of a Testimonial from the Mediating power, that the Exercise of the Right of these States to the said Fisheries was effectually allowed by Great Britain tho not expressly mentioned in the

Treaty, the said States having declined at the Request of the Mediating power to insist on the insertion of the said Article.

You are however to understand that the insertion of such an article is not to be so far insisted on as in the manner before mentioned, except in the Case of a Refusal by France to enter into the guaranty aforesaid, for if she shall actually enter into the same, you are to endeavour earnestly to procure the insertion of such an article, but if you find your insisting upon it will break off the Treaty and displease the French and Spanish Courts, you are to decline urging the motion.

If the Treaty of peace shall be signed—and ratified on the part of Great Britain in the Manner before mentioned without the suggestion of any Difficulty concerning Commerce, and you then proceed to that, you are to treat on the Basis aforesaid.

Whenever in the Course of the Conference, the Fisheries shall be mentioned, you are to propose for avoiding Dispute, the insertion of the article aforesaid relating to them. If this proposition shall be objected to, you are in support of it, to alledge the Common Right to such Fisheries—the Right vested in these States by Occupancy and the necessity of procuring subsistance—and the right of Compensation for the Expenses and Damages of an unprovoked defensive war.

The arguments in support of the first and last of these topics, you may draw from the Principles of Justice and the Laws of Nature and Nations, as to the second, if it shall be said, that the Right vested in these States, by occupancy, was vested in the inhabitants as Subjects of the British Crown, you are to observe thereon—that these inhabitants were a part of the people of the Empire, and that on a just separation of the people, a partition of the Rights before exercised in Common, become also just, as attached to the persons of those then separating and before the separation they exercising those Rights —otherwise, the first injustice in causing a separation would become foundation for and a sanction of a second Injustice—which is a proposition operating too strongly against the

Universal Sense of Mankind to be supportable—that this argument is greatly fortified by the necessity of procuring subsistance, a necessity that is always growing more strait by the Encrease of Inhabitants—that this right is also strengthened by this Circumstance, that the Dominions in North America which may remain to Great Britain on a Pacification have been acquired or secured to her by the Exertions of these States as well as her own—that a Right they vested in them cannot be justly impaired in any Manner by the prosecution of such a War as that between Great Britain & them, or any separation thereby occasioned of the Members of the Empire—that a Right of Trading to the East Indes acquired only by occupancy and but for a short time and "flagrante Bello" between Spain and the United provinces, was confirmed to these at the peace of Munster—a fortiori, should this Right so antient so established before the War, so continued and uninterrupted, be confirmed to these States.

You may also give up on behalf of these States any Trade to the East Indes and to Africa while they continue undisturbed by Great Britain in the said Fisheries.

If Great Britain shall utterly refuse to treat of a perpetual peace, but shall offer to treat of a Truce, and the French and Spanish Courts shall solemnly declare their sense of the Treaty of Alliance in 1778 to be that France is not thereby bound to contend for a perpetual peace—if she will not agree to contend for it—and if you are fully assured, that the treating of and agreeing to a Truce cannot be denied or delayed by these States without highly offending those Courts, you are then to proceed to treat of a Truce, in treating of which, you are to conduct yourself in the Manner herein before pointed out for treating of a perpetual Peace—to use all the means in your power to procure as long a Truce as can be obtained—and as great security as will be agreed to against any considerable land or naval Forces being kept by Great Britain in the Dominions that may remain to her in North America, at the Conclusion of the War—on which Heads you are to regulate

Yourself by the necessity you shall find imposed upon you of conforming to the Sentiments of their most Christian and most Catholic Majesties.

In the Course of the Negotiations you are not to omit any opportunity of sending to Congress the earliest advices of every step taken therein, and of every Difficulty that occurs, so as to enable Congress to judge in the most full and ample Manner of all the proceedings. In sending these advices, you will use every precaution to prevent your Dispatches falling into the Hands of the enemy, and you will also send so many Copies of each Letter as to remove every probability of our failing to receive the Intelligence designed for us.

JOHN DICKINSON.

July 22, 1779.

The substance of these papers was delivered by me to Congress on Saturday the 17th of July, 1779, after Congress had postponed the Resolution then under Consideration.

APPENDIX VII.—(*Page* 161.)

LETTERS OF VALERIUS AND GENERAL ARMSTRONG.

[IT seems that there can be at this date no reason for not printing that portion of Mrs. Deborah Logan's diary which shows that the family tradition is that General Armstrong (Secretary of War in 1814) was VALERIUS. It must be borne in mind, however, that Armstrong was secretary of the Council before Mr. Dickinson was elected President.]

August 25th 1814. Our country is now actually invaded, yesterday's southern mail brought advices that a large British force commanded by Sir Thomas Picton, who has just served in Spain with great reputation, (this was the report, but General Ross commanded) is within thirteen miles of Washington.

The President and heads of the departments doubtless are gone off, and the Government dispersed and disgraced.

26th—The alarm increases, Philadelphia is in great agitation, the militia organizing, and troops marching to their rendezvouses—it is now pretty certain that the Public buildings and navy yard at Washington are destroyed, and some reports say, the city also; the whole of that part of the country is in the utmost consternation, nobody here knows what has become of the President, nor do they seem to care, he is spoken of without respect and as the author of these needless calamities.

30th—Every new account that we receive from the seat of war appears fraught with yet untold disgrace—Philadelphia is greatly agitated and has been so since the first accounts of the landing of the British force.—The most zealous democrats give up the President and his heads of departments as wholly inadequate to the direction of Public affairs in this crisis, which their folly and wickedness have brought upon us. The banks too, refusing to part with their silver, have added to the confusion.

Walsh drank tea with me to day, and told me amongst other news that Admiral Cockbourn went to the Palace with a card in his hand and asked for Mrs. Madison, saying at the same time if she was there, that the palace and all its contents should be safe.—The President was on horseback and had General Mason and abundance of others to escort him, but was shaking with fear—nothing was done as it ought to have been done, the best troops had but 9 rounds of cartridges and after using them had to retreat without any rallying point, or any system at all. The President is represented as deeply mortified, repenting of the confidence he has placed in Armstrong, who, it is now said has resigned.

31st—Nothing very new today, but fuller accounts of the disasters at Washington, every one appearing to wish to shift the blame on those public characters most obnoxious to their party. Poor General Winder and the Secretary of War (most justly) will perhaps be the political scapegoats, on this shameful occasion.

I find many of the reports are unfounded which we have heard of the late events—many are distorted, and some untrue —It is not worth while to write one day what one must correct or contradict the next, but what I have here set down may at least serve as a memento of the alarm and confusion which this disgraceful affair has occasioned. And here let me mention an anecdote of Armstrong, given on the *best authority*, as true. He has always displayed a love of intrigue, a dereliction of principle, and a baseness of deceit, which should draw on him the scorn of every honest mind, from his first appearance in public life until this time. He read law, when a young man, under my honoured cousin John Dickinson, and had received from him polite and kind attentions, and when John Dickinson was President of Pennsylvania, under the first revolutionary constitution, Armstrong, applied for the office of Secretary which was granted to him, and he was of course much in J. Dickinson's family, receiving daily proofs of his confidence and friendship, yet at this period he was actually the writer of all those ill-natured and detestable paragraphs in some of the public prints which wounded the mind of his patron but too sensibly, and perhaps caused him to leave a state which he thought ungrateful to him for his best services.

Armstrong has, since the affair at Washington resigned, indignant, as it should seem, and has published a letter on the occasion, in which "more is meant than meets the ear." How will what he says of the President coming to his lodgings, to sound him about giving up part of his authority as Secretary of War, sound, in the ears of Europeans?—

He has however now retired, and I hope his ability to do mischief is curtailed effectually—The public voice has been much against him—

D. L.

APPENDIX VIII.

DRAFT OF AN ACT FOR THE GRADUAL ABOLITION OF SLAVERY IN DELAWARE.

(*From the original in the handwriting of John Dickinson in the Historical Society of Pennsylvania.*)

§ 1. For the gradual abolition of Slavery Be it enacted and it is hereby enacted &c. That no negro, Mulatto or other Person, who shall be born within this State after the passing of this act shall be a slave or servant for life; and that all Slavery or servitude for life, in cases of children who shall be hereafter born within this State shall be and the same is hereby extinguished and forever abolished.

§ 2. Provided always nevertheless That every Negro and Mulatto who shall hereafter be born within this State, and who would if this act had not been made, have been a Slave or servant for life, shall be the servant of such Person as would in such case have been entitled to the service of such child, until he or she shall attain the age of years, in the like manner and on the same conditions as servants bound by Indenture for term of years are or may be holden, and shall be liable to like correction and punishment and entitled to the like relief for any ill treatment from his or her Master, Mistress, or any other Person and to the like freedom dues and other priviledges in all respects, unless the master or mistress of any such child shall abandon his or her claim to the same, in which case it shall and may be lawful for the overseers of the Poor of the Hundred or county where such child shall be abandoned as afs[d], to bind out the same by Indenture as an apprentice to learn some useful art, trade, mistery or calling until he or she shall attain an age not exceeding years.

§ 3. And be it further enacted by the authority afs[d] That the

owner of every child born after the passing of this act who would by virtue hereof be liable to serve until the age of years shall within six months after the birth of such child, deliver or cause to be delivered in writing to the Clerk of the Peace of the County in which he or she shall reside, the name, sirname and occupation or profession of such owner and of the hundred and county in which he or she resides and also the age (to the best of his or her knowledge) name and sex of every such child and in default thereof every such child shall immediately from and after the expiration of the said Term of six months be free.

§ 4. And be it further enacted by the authority afs[d] that the owner of every Negro or Mulatto Slave or Servant for life or till the age of years now within this State or his lawful attorney shall on or before the deliver or cause to be delivered in writing to the Clerk of the Peace of the County in which he or she shall respectively inhabit the name Sirname and occupation or profession of such owner and the name of the County and hundred in which he or she resideth and also the name, age and Sex of every such Slave or Servant for life or until the age of years; and all the returns or accounts in writing in and by this act required to be made as afs[d] shall be verified by the Person making the same to the best of his or her knowledge and belief on his or her oath or affirmation administered by the said Clerks respectively who shall in books for that purpose to be provided make and preserve records thereof, copies of which records certified by the said Clerks respectively or by their Successors in office under the Seal of office shall be good Evidence in all Courts and elsewhere; for which oath or affirmation and entry the said Clerks respectively shall be entitled to and the like sum for every copy thereof certified as afs[d] to be paid by the party making such return or demanding such copy, and no negro or Mulatto Slave or Servant for life or until the age of years now within this State whose name shall not be entered in the manner by this act required on or before the

said shall from and after that time be a Slave or Servant for life or until the age of years except such Negro and Mulatto Slaves or Servants as are herein after excepted but shall be wholly free and discharged from all further service—A

§ 5. And be it further enacted by the authority afs[d] That no Man or Woman of any Nation or Colour except the negroes and Mulattos who shall be registered as afs[d] shall be deemed adjudged or holden within this State as Slaves or Servants for life or (except such as are or shall be bound by Indenture to serve for any Term or time not exceeding the age of years) for any term of years and except also the domestic Slaves attending upon Delegates in Congress from other States, on Persons from such States having business to transact with Congress, on foreign Ministers or Consuls or on Persons passing through this State and not becoming residents thereof and Seamen employed in Ships not belonging in whole or in part to any Inhabitant of this State; Provided such domestic Slaves be not aliened or sold to any Inhabitant of this State or other Person nor (except in the case of Members of Congress, Persons from other States having Business to transact with Congress, foreign Ministers and Consuls) retained in this State longer than six months.

§ 6. Provided nevertheless That neither this act nor any thing in it contained shall give relief or shelter to any runaway Negro Slave or Servant from any Master or Mistress residing in any other State or Country but such Master or Mistress shall have like right and aid to demand claim and take such Slave or Servant as he or she might have had if this Act had

A—Provided nevertheless That no Person in whom the ownership or right to the Service of any Negro or Mulatto of the age of fifty years or upwards at the time of passing this act is vested his her or their heirs Executors administrators or assignes shall be exempted by any thing herein contained from being liable to indemnify the county or Hundred in which any such negro or mulatto may become chargeable against the Burthen and expense thereof altho' such negro or mulatto shall not have been registered as is herein before directed. [*Marginal note in the original.*]

not been made and that all Negro and Mulatto Slaves and Servants until the age of years now owned and heretofore resident in this State who have absented themselves or been wrongfully carried away or employed as Seamen abroad and who have not returned or been brought back to their owners before the passing of this act may at any time within six months after they shall respectively return or be brought back as afs^{d} be registered in manner afs^{d} on producing such slave or servant before any two Justices of the Peace of the proper County and on satisfying them by due proof of the former Residence absconding, taking away or absence as afs^{d} of such Slave or Servant and on an order for that purpose being had and obtained from the s^{d} Justices.

§ 7. And be it further enacted by the authority aforesaid that no Negro or Mulatto Slave or Servant for Term of Years (except those belonging to Members of Congress from other States, to persons from such States having Business to transact with Congress to foreign Ministers and Consuls and to persons passing through the State and not becoming residents thereof shall be removed out of this State with the Design or Intention that the place of abode or Residence of such Slave or Servant shall be altered or changed, or with the Design or Intention that such Slave or Servant (if a Female and pregnant) shall be detained out of this State until her Delivery of the child of which she is or shall be pregnant or with the Design that such Slave or Servant shall be brought again into this State after the expiration of six months from the time of his or her having been first brought into this State, without his or her consent, if of full age, testified on a private Examination before two Justices of the Peace of the County in which he or she shall reside or if under the age of twenty one years without his or her Consent testified in manner afs^{d} and also without the Consent of his or her parents or Guardians testified in manner afs^{d} whereof the s^{d} Justices shall make a Record and deliver to the s^{d} Slave or Servant a copy thereof containing the name, age, Term of Servitude and Place of abode of such Slave or Servant,

the reason of such removal and the Place to which he or she is about to go; and if any Person shall sell and dispose of any such Slave or Servant to any Person out of this State or whose usual and settled Place of Residence is not within it, or who is or shall be known to be about to remove therefrom; or shall send or carry or cause to be sent or carried any such Slave or Servant out of this State for any of the purposes afs[d] without having obtained such consent as is by this Act required testified as afs[d] he she or they so offending and his her or their Aiders and Abetters shall severally forfit and pay for every such offence the sum of £150 to be recovered in any Court of Record by Action of Debt Bill Case or information at the Suit of any Person or Persons who shall sue for the same one Moiety thereof for the Use of the Plaintiff or Informer and the other Moiety thereof for the use of this Commonwealth, and in all such Cases every such Slave or Servant shall immediately be free.

§ 8. And in order that this Act may not be evaded by introducing into this State Negroes and Mulattoes, bound by Covenant to serve for long and unreasonable Terms of years. Be it further enacted by the Authority afs[d] that no Covenant or other Contract of Personal Servitude or Apprentiship shall be valid or binding on any Negro or Mulatto for any longer time than seven years unless such Servant or Apprentice were at the Commencement of such Servitude or Apprentiship under the age of twenty years in which Case such Negro or Mulatto may be holden as a Servant or Apprentice respectively according to the Covenant as the Case shall be until he or she shall attain the age of years and no longer.

§ 9. And be it further enacted by the Authority afs[d] that if any Person or Persons shall build fit equip victual man or otherwise prepare any Ship or Vessel within any Port or place of this State or shall cause or procure any Ship or other Vessel to sail from any such Port or place for the Purpose of carrying on a Trade or Traffic in Slaves to from or between Europe Asia Africa or America or any Places or Countries whatever

or of transporting Slaves to or from one Port or Place to another in any Part or Parts of the world such Ship or Vessel her Tackle furniture apparel and other appurtenances shall be forfeited one Moiety thereof for the Use of the Commonwealth and the other Moiety for the Use of the Informer and shall be liable to be seized and prosecuted by any officer or other Person by Information *in Rem* in any Court of Record within this State whereupon such Proceedings shall be had as to right and Justice shall appertain according to the true Intent and Meaning of this Act and agreeably to the Constitution and Laws of this State and moreover all and every Person and Persons so building fitting out manning equipping victualling or otherwise preparing sending away or employing on his own Account or that of others any such Ship or Vessel knowing or intending that the same shall be employed in such Trade or Business or who shall in any wise be aiding or abetting therein shall severally forfeit and pay the Sum of one thousand pounds one Moiety thereof to the Use of the State and the other Moiety to the use of him or her or who will sue for the same to be recovered with Costs of Suit by Bill, Plaint or Information.

§ 10. And be it further enacted by the Authority afs[d] that if any Person or Persons shall by force or violence take or carry or cause to be taken or carried or shall by fraud or stratagem seduce or cause to be seduced any free Negro or Mulatto from any Part or Parts of this State to any other Place within the same or elsewhere with the Design or Intention of selling or disposing or of causing to be sold or disposed or of keeping or detaining or of causing to be kept or detained such Negro or Mulatto as a Slave or Servant for Term of Years every such Person or Persons so offending their Aiders and Abettors shall on conviction thereof in any Court of Quarter Sessions within this State severally forfeit and pay the Sum of one hundred Pounds to the Overseers of the Poor of the City or County from which such Negro or Mulatto shall have been taken or seduced as afs[d] and shall also be confined at hard Labor for

any time not less than six months nor more than years and until the Costs of Prosecution shall be paid.

§ 11. And in order to prevent the separating of Husbands and Wives and of Parents and Children so far as may be done without Prejudice to the Owners thereof Be it enacted by the authority afs[d] that if any owner or Possessor of any Negro or Mulatto Slave or Servant shall from and after the passing of this Act separate or remove or cause to be separated or removed a Husband from his Wife, a Wife from her Husband a Parent from a Child or a Child from a Parent of any or either of the Descriptions afs[d] to a greater distance than ten Miles with the Design or Intention of changing the Habitation or Place of abode of such Husband, Parent or Child unless such Child be above the Age of four years or unless the Consent of such Slave or Servant shall have been obtained and testified in Manner afs[d] such Person or Persons shall severally forfeit and pay the Sum of fifty Pounds for every such offence to be recovered with Costs of suit by Action of Debt Bill Plaint or Information in any Court of Record at the Suit of any Person who will sue for the same.

§ 12. And be it further enacted by the Authority afs[d] that where any Master or Mistress hath manumitted or set free or hereafter shall manumit or set free any Negro or Mulatto then being under the age of years and in no ways cripled or rendered incapable of getting a living without giving Security to indemnify the County every such Negro and Mulatto shall be and is hereby declared to be free as fully and amply as if such Security had been given.

§ 13. And be it further enacted by the Authority afs[d] that the Crimes and Offences of Negroes and Mulattoes as well Slaves and Servants as freemen shall be enquired off adjudged corrected and punished in like manner as the offences and crimes of other Inhabitants of this State are and shall be and not otherwise except that a Slave shall not be admitted to bear witness against a Freeman.

§ 14. And be it further enacted by the Authority afs[d] that in

all Cases where Sentence of Death shall be pronounced against a Slave the Jury by whom he or she shall be tried shall appraise and declare the Value of such Slave and if such Sentence shall be executed the Court shall make an Order on the State Treasurer payable to the Owner for the Amount of such appraised value.

§ 15. And be it further enacted by the Authority afs[d] that the Reward for taking up runaway and absconding Negro and Mulatto Slaves and Servants and the Penalties for enticing away dealing with or harbouring concealing or employing Negro or Mulatto Slaves and Servants shall be the Same and be recovered in like Manner as in the Case of white Servants.

I suppose a clause repealing former Laws respecting Negroes and Mulattos should be added but I am not sufficiently acquainted with the Laws of Delaware to be able say whether all such Acts should be repealed or only particular ones by Name.

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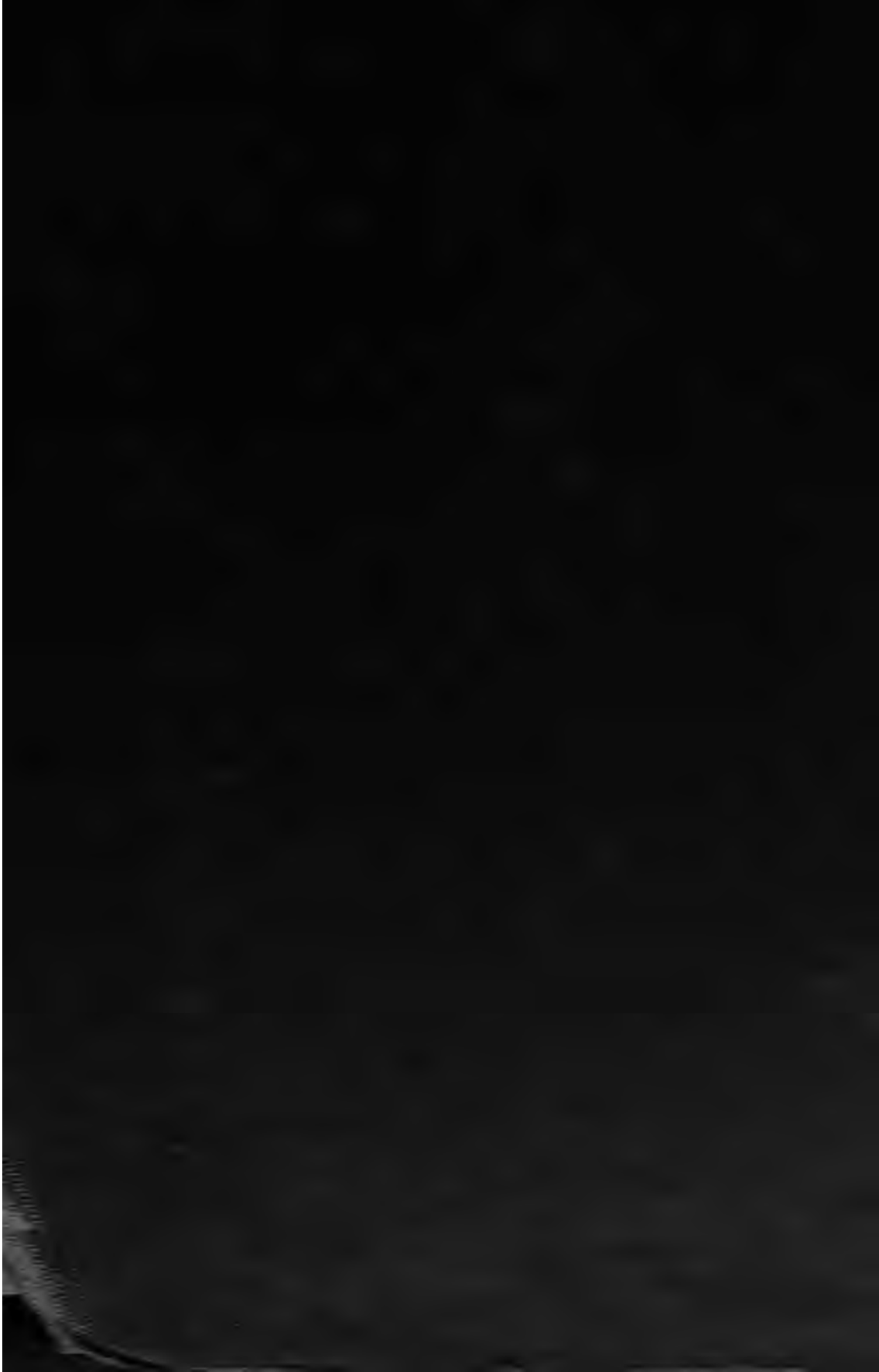
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